**PURPOSE** To initiate action in civil court towards identified narcotics operations in privately owned buildings, commercial establishments and rental apartments owned by the New York City Housing Authority.

**SCOPE** The Narcotics Eviction Program involves a cooperative citywide effort between this Department and the respective District Attorney's Office with a goal of evicting drug dealers from dwellings and commercial locations through the initiation of proceedings in civil court. In practice, all narcotics related arrests/seizures made inside locations, and effected by members assigned to a narcotics borough, are reviewed by the District Attorney's Office for potential eviction proceedings. Incidents where there is a summary narcotics related arrest, or incidents of found narcotics/drug paraphernalia, found within a building by patrol personnel, requires the preparation of a precinct **COMPLAINT REPORT (PD313-152)**. This report serves as a mechanism for follow up by the affected command.

**PROCEDURE** When a uniformed member of the service, other than a member assigned to a narcotics borough, effects an arrest for any narcotics related offense, or finds narcotics/drug paraphernalia <u>within a building</u>:

**UNIFORMED MEMBER OF THE SERVICE**

1. Comply with appropriate Department procedures, prepare precinct **COMPLAINT REPORT (PD313-152)**, in addition to any other required reports.
2. Include in "Details" section of the **COMPLAINT REPORT** any information or observations that may indicate that a narcotics operation is involved.

**COMMANDING OFFICER/ EXECUTIVE OFFICER/ SPECIAL OPERATIONS LIEUTENANT**

3. Review **COMPLAINT REPORTS**, determine if the presence of a narcotics operation is indicated, based upon the information contained on the **COMPLAINT REPORTS** as well as other factors (i.e., previous incidents, community complaints, etc.).
4. Initiate further review of incident if the circumstances indicate that a narcotics operation is present.

**SPECIAL OPERATIONS LIEUTENANT**

5. Review facts and circumstances of incident.
6. Determine if appropriate for inclusion into the Narcotics Eviction Program.
7. Direct the concerned officer or designee to obtain all related information regarding the incident/location, if incident is determined to be appropriate for inclusion into the Narcotics Eviction Program.
   a. Include such items as <u>copies</u> of the **COMPLAINT REPORT**, **ON LINE BOOKING SYSTEM WORKSHEET (PD244-159)**, **PROPERTY CLERK INVOICE (PD521-141)**, community complaints, and any other information that would substantiate the determination and be supportive of civil action.

**SPECIAL OPERATIONS LIEUTENANT (continued)**

8. Package all related information and forward to the respective county District Attorney's Office, Attention: Narcotics Eviction Program Coordinator.
   a. Include a short cover letter, briefly describing the incident and location, identity of tenant of record and/or subject, if known.
9. Maintain file copies for reference and future review.

***NOTE*** *The Narcotics Eviction Program Coordinator, Office of the District Attorney, will determine if the facts substantiate action in civil court. Determination of building ownership, along with all notifications required by statute, will be effected by the District Attorney's Office. Copies of all notification letters will be directed to the respective precinct for inclusion in its files.*

10. Advise Narcotics Eviction Program Coordinator, as appropriate, of any other incidents regarding either the building owner or the submitted location.
11. Document information in the appropriate file.

**DIRECTOR, POLICE LABORATORY**

12. Ensure that all found/investigatory controlled substances are maintained at the Police Laboratory or Property Clerk's Office for a minimum of three months from the date of the incident.

***NOTE*** *Requests for laboratory analysis pursuant to civil or criminal court proceedings will be effected by the District Attorney's Office, and handled in the normal manner. When such request is made, the Police Laboratory will test up to felony weight, as applicable.*

**SPECIAL OPERATIONS LIEUTENANT**

13. Ensure that an effective liaison is maintained with the Narcotics Eviction Program Coordinator regarding ongoing efforts in this area.
14. Maintain appropriate contact with concerned narcotics borough regarding locations involved in this initiative.
15. Bring to the attention of the Precinct Management Team (PMT) appropriate efforts or initiatives relating to the Narcotics Eviction Program at the command.

**UNIFORMED MEMBER OF THE SERVICE**

16. Respond to all narcotics eviction related cases, including civil and criminal court, or District Attorney's Office for case preparation, as directed and notified by the Appearance Control Unit.

**SPECIAL OPERATIONS LIEUTENANT**

17. Contact the Narcotics Eviction Program Coordinator if any observations indicate renewed illicit activity when an eviction order has been obtained or the subject premise has been otherwise vacated.

***NOTE*** *In instances such as described above, the command should establish liaison with the building owner/tenant group and emphasize the common goal of placing a desirable tenant in the location.*

**COMMANDING OFFICER/ COUNTERPART**

18. Include initiatives taken towards these locations as a topic for Precinct Management Team (PMT) meetings as appropriate.
19. Ensure that there is both an effective information exchange and cohesive effort between precinct and narcotics borough personnel as it relates to this effort.

***ADDITIONAL DATA***

*When considering the circumstances of an incident, it should be noted that an eviction can be brought upon direct or circumstantial evidence that the premise is used for an illegal narcotic business.*

*EXAMPLES OF DIRECT EVIDENCE include:*

*a. Observations of the direct sale of narcotics, OR*
*b. Inculpatory statements by occupants regarding the sale of narcotics.*

*EXAMPLES OF CIRCUMSTANTIAL EVIDENCE, which supports most eviction proceedings, include:*

*a. Recovery of an amount of narcotics inconsistent with personal use (typically 1/8 of an ounce or more) OR,*
*b. Recovery of cutting agents, scales, strainers, pestles, empty or new glassine envelopes or vials, plastic bags, rubber stamps, drug records, and other items associated with the preparation, manufacture, packaging, or storage of narcotics.*

*Recovery of evidence that lacks indications of a business operation, and is more consistent with mere personal use of narcotics, would not support an eviction and should not be forwarded to the District Attorney's Office. Cases that pertain to narcotics activity outside of homes and stores (i.e., stairwells, hallways, street, etc.) would not support action 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 of the respective county District Attorney's Narcotics Eviction Program Coordinators are as follows:*

*District Attorney*
*County of New York*
*1 Hogan Place*
*Special Projects Bureau*
*New York, NY 10013*

*District Attorney*
*Bronx County*
*215 East 161st Street*
*Room 3DA - 11*
*Bronx, NY 10451*

*District Attorney*
*Kings County*
*210 Joralemon Street*
*Room 610*
*Brooklyn, NY 11201*

*District Attorney*
*Queens County*
*125-01 Queens Blvd.*
*Civil Enforcement Bureau*
*Kew Gardens, NY 11415*

*District Attorney*
*Richmond County*
*36 Richmond Terrace*
*Staten Island, NY 10301*

| | |
|---|---|
| ***FORMS AND REPORTS*** | ***COMPLAINT REPORT (PD313-152)***<br>***ON LINE BOOKING SYSTEM WORKSHEET (PD244-159)***<br>***PROPERTY CLERK INVOICE (PD521-141)*** |

NYPD

| Section: Quality Of Life Matters | | Procedure No: 214-03 | |
|---|---|---|---|
| **GRAFFITI REWARD PROGRAM** | | | |
| DATE ISSUED: 05/01/15 | DATE EFFECTIVE: 05/01/15 | REVISION NUMBER: | PAGE: 1 of 2 |

**PURPOSE** To reward individuals whose reports of acts of graffiti vandalism in progress result in arrests by members of this Department.

**SCOPE** Administrative Code section 10-117.2 authorizes the Mayor, upon recommendation of the Police Commissioner, to pay a reward of up to five hundred dollars for "information leading to the apprehension, prosecution or conviction of any person(s)" who violate the Administrative Code provisions regarding graffiti vandalism.

**PROCEDURE** When an individual reports an act of graffiti vandalism in progress to the Department:

**UNIFORMED MEMBER OF THE SERVICE**

1. Respond to report of graffiti vandalism and arrest violator if still present.
2. Prepare **COMPLAINT REPORT WORKSHEET (PD313-152A)**, and, if applicable, comply with normal arrest processing procedures.
3. Photograph graffiti vandalism utilizing a Department issued digital camera and upload the digital photographs utilizing the "Graffiti Photo Upload" option found in the OMNIFORM Complaints menu.
4. Immediately notify the Citywide Vandals Task Force to respond for prisoner debriefing in all graffiti arrest cases.
   a. Obtain a log number from the Citywide Vandals Task Force member and enter it in the "Notifications" caption of the **COMPLAINT REPORT WORKSHEET**.

**DESK OFFICER**

5. Verify response of Citywide Vandals Task Force personnel for prisoner debriefing.
   a. Ensure uniformed member of the service complies with steps "2", "3", and "4", above.
6. Obtain a copy of arrest paperwork, attach a copy of ICAD Event Information, if arrest was made as a result of a radio run, and forward as follows:
   a. Commanding officer/executive officer
   b. Special operations lieutenant
   c. Commanding Officer, Citywide Vandals Task Force.

**SPECIAL OPERATIONS LIEUTENANT**

7. Ensure uniformed members of the service comply with the provisions of this procedure.
8. Maintain a file of arrest paperwork for arrests made pursuant to the Graffiti Reward Program.

**COMMANDING OFFICER, CITYWIDE VANDALS TASK FORCE**

9. Maintain the Graffiti Reward Program file and database of all reward recipients and pending cases.
10. Attend Graffiti Reward Program Board meetings, chaired by the Executive Officer, Office of the Chief of Department, and a representative from the New York City Police Foundation.

**COMMANDING OFFICER, CITYWIDE VANDALS TASK FORCE (continued)**

11. Maintain the Graffiti Reward Program bank account and issue all reward checks after approval by the Graffiti Reward Program Board.
12. Assign Citywide Vandals Task Force personnel to deliver reward payments.
    a. Ensure all reward payments are delivered and receipted for.
13. Comply with directions received from the Director, Audits and Accounts Unit pertaining to audits.

**EXECUTIVE OFFICER, OFFICE OF THE CHIEF OF DEPARTMENT**

14. Convene and chair Graffiti Reward Program Board meetings with the Commanding Officer, Citywide Vandals Task Force, and a representative from the New York City Police Foundation.

***ADDITIONAL DATA***

*ELIGIBILITY*

*No police officer, peace officer, any other law enforcement officer, or other city employees acting within their official capacities are entitled, directly or indirectly, to collect or receive any reward under this program.*

*OPERATIONAL CONSIDERATIONS*

*In all cases where an individual may be eligible for a reward under the Graffiti Reward Program, the Citywide Vandals Task Force must be notified, and a copy of all arrest paperwork will be sent to the Commanding Officer, Citywide Vandals Task Force.*

***FORMS AND REPORTS***

***COMPLAINT REPORT WORKSHEET (PD313-152A)***

NYPD

| Section: Quality Of Life Matters | | Procedure No: 214-05 | |
|---|---|---|---|
| **SELECTION AND UTILIZATION OF AUXILIARY POLICE OFFICER VOLUNTEERS AS UNDERCOVERS FOR "QUALITY OF LIFE" ENFORCEMENT** | | | |
| DATE ISSUED: 03/18/19 | DATE EFFECTIVE: 03/18/19 | REVISION NUMBER: | PAGE: 1 of 3 |

**PURPOSE** To establish guidelines for the utilization of auxiliary police volunteers as undercovers for "Quality of Life" enforcement, i.e., Alcohol Beverage Control Law, sale of box cutters, sale of spray paint cans/broad tip markers, etc.

**SCOPE** A volunteer auxiliary police officer is eligible to participate in enforcement as an undercover if his/her age is within the limits specified by the statute of law being enforced. Auxiliary police officers will be considered eligible for these assignments ONLY upon the recommendation of their precinct's special operations lieutenant and after receiving proper training by the borough Vice Module and the Auxiliary Police Section.

**PROCEDURE** When considering an auxiliary police officer volunteer for possible use as an undercover in a "Quality of Life" enforcement effort:

**SUPERVISOR OF BOROUGH VICE MODULE/ NEIGHBORHOOD COORDINATION SUPERVISOR**

1. Contact borough auxiliary police coordinator.
   a. Each coordinator maintains a list of the names, dates of birth, and telephone numbers of auxiliary police officers who are eligible for assignment. It is the responsibility of the borough Vice Module or precinct special operations lieutenant to determine whether the volunteer auxiliary police officer is within the age limitation of the "Quality of Life" statute being enforced and confirm reporting location, time and dress code. Each auxiliary police volunteer will report to his/her precinct unit or resident precinct, for pick-up by borough Vice Module or neighborhood police coordinator and returned to that location upon completion of tour.
   b. Volunteer auxiliary police officers will never be utilized for undercover operations involving prostitution and/or narcotics enforcement.
   c. Volunteer auxiliary police officers utilized in undercover capacity will not operate in resident or assigned precinct.

***NOTE*** *Only auxiliary police officers who are on the list may be utilized as undercovers for "Quality of Life" operations. There are no exceptions. An auxiliary police officer notified for assignment and reporting to the precinct shall receive a minimum of four hours of credited time regardless of the actual extent of the operation.*

2. Ensure the auxiliary police officer volunteer has received the training course conducted by the narcotics borough, and training in safety, tactics and integrity conducted by the Auxiliary Police Section, and has signed the required affidavits at the appropriate time if the "Quality of Life" enforcement concerns underage drinking.
   a. Ensure a signed parental consent form is obtained if the volunteer auxiliary police officer is under the age of eighteen.

**SUPERVISOR OF BOROUGH VICE MODULE/ NEIGHBORHOOD COORDINATION SUPERVISOR (continued)**

3. Ensure that the auxiliary police officer volunteer is within the age limits specified by the statute of law being enforced.
   a. Auxiliary police officers under eighteen years of age may be trained, however, they will not be utilized until they reach eighteen years of age.
4. Prohibit the auxiliary police volunteer from performing an undercover operation in either their precinct of assignment or precinct of residence.
5. Prepare an Auxiliary Police Roll Call APS #10, for the auxiliary volunteer to sign in upon pick-up as "On Duty" and for signing out when dropped off at the end of his/her tour.
   a. The Original APS #10 is to be forwarded to the borough auxiliary coordinator and a copy to the auxiliary coordinator of the precinct to which the auxiliary police volunteer is assigned, via Department mail. (Refer to Auxiliary Guide procedures 6-7, attachment "A," for sample forms).
6. Prepare a recapitulation of the enforcement activity.
   a. The neighborhood coordination supervisor will forward a copy of this recapitulation to the borough concerned auxiliary police coordinator.
   b. The vice supervisor forwards one to the narcotics borough concerned.
7. Interview auxiliary police volunteer prior to undercover operation.
   a. Ensure that the auxiliary police volunteer is thoroughly briefed as to all aspects of operation.
   b. Take a photograph of auxiliary police volunteer on day of enforcement along with a photocopy of the volunteer's **Auxiliary Police Identification Card (Misc. 3948)**. Both items will be filed in the arrest folder of defendant(s) apprehended.
8. Observe undercover at all times during the operation.
   a. Witnessing officer MUST observe the violation of the "Quality of Life" statute being enforced.
9. Comply with *P.G. 216-13, "Line of Duty Injury or Death – Auxiliary Police Officers,"* in the event the auxiliary volunteer is injured or killed during the course of an undercover operation.

**BOROUGH AUXILIARY COORDINATOR**

10. Update approved list of auxiliary police volunteers semi-annually on the 5th day of January and July based on the recommendation of the precinct special operations lieutenant and completion of appropriate training.
    a. Forward copy of list to the Commanding Officer, Auxiliary Police Section, and commanding officer, narcotics borough concerned.
11. Ensure that each auxiliary police officer volunteer receives the proper training course regarding safety, tactics and integrity conducted by the narcotics borough.
12. Prepare and forward monthly enforcement recapitulation to Auxiliary Police Section by the tenth day of the month for the preceding month's operation(s).

**COMMANDING OFFICER, BOROUGH VICE MODULE**

13. Forward "MONTHLY RECAPITULATION OF AUXILIARY POLICE UTILIZATION IN UNDERAGE DRINKING ENFORCEMENT REPORT" to the Commanding Officer, Auxiliary Police Section by the 10th day of the month, for the preceding month (see Auxiliary Guide procedures 6-7, attachments "B" or "C", for sample form).
14. Confer with the borough auxiliary coordinator and the Auxiliary Police Section, Training Unit as the pool of trained auxiliary police volunteers begins to diminish.
    a. Request recruitment of new volunteers and arrange for their training with the narcotics borough concerned.

***NOTE*** *Commanding officer, borough Vice Module will make every reasonable effort to ensure an auxiliary's undercover duties and subsequent court appearances do not conflict with the auxiliary's school or work schedule.*

**PRECINCT SPECIAL OPERATIONS LIEUTENANT**

15. Direct the precinct's auxiliary coordinator to identify, by personnel data records and conferral with Auxiliary Police Section, those auxiliary police officers over eighteen and less than twenty years and six months of age for possible assignment.
16. Interview the prospective auxiliary police volunteer to determine suitability for this particular type of assignment.
17. Make selection of suitable auxiliary police volunteers based upon member's maturity, background, ability to make sound judgments, communication skills and demeanor.
18. Advise auxiliary police volunteer, prior to recruitment and during training, that he/she may be subpoenaed by the defendant to testify in criminal court or in a State Liquor Authority hearing.
19. Direct that the precinct auxiliary coordinator forward to the borough auxiliary coordinator and Auxiliary Police Section, Training Unit a list of selected auxiliary volunteers recommended for this assignment, semi-annually (by the 5th day of January and July).
20. Notify the borough auxiliary police coordinator, narcotics borough, and Auxiliary Police Section immediately, to remove an auxiliary police volunteer from this list, if their status changes, (i.e., age, suspended, arrested, leave of absence, dismissal, etc).
21. Prepare and forward report to the Commanding Officer, Auxiliary Police Section AND the borough auxiliary coordinator after each operation in which an auxiliary police officer is used as an undercover.
    a. Include officer's identity, unit, number of purchases attempted, number of purchases made, number of summonses issued, and any comments relative to the officer's performance as an undercover.

***RELATED PROCEDURES*** *Line of Duty Injury or Death – Auxiliary Police Officers (P.G. 216-13)*

# PATROL GUIDE

| Section: Quality Of Life Matters | | Procedure No: 214-06 | |
|---|---|---|---|
| **HOMELESS CONTACT GUIDELINES FOR UNIFORMED MEMBERS OF THE SERVICE** | | | |
| DATE ISSUED: 10/01/20 | DATE EFFECTIVE: 10/01/20 | REVISION NUMBER: | PAGE: 1 of 4 |

**PURPOSE** To make every effort to assist homeless individuals in finding the services they need and record occurrences, and services rendered.

**DEFINITIONS** CONTACT - For the purpose of this procedure, a "contact" with the homeless shall include any interaction between a uniformed member of the service and a homeless individual, whereby the homeless individual is: transported to a shelter, arrested/summonsed, treated as an aided case or an emotionally disturbed person (EDP), or is requested to leave private property, or publicly owned property not usually open to the public, or not open to the public at the time of the encounter.

**PROCEDURE** When a uniformed member of the service assists an individual who is, or appears to be homeless, and records and documents services rendered:

**UNIFORMED MEMBER OF THE SERVICE**

1. Interview homeless individual to determine the need for medical attention, psychiatric treatment, shelter, or other services.
   a. Comply with *P.G. 216-01, "Aided Cases General Procedure"* and/or *P.G. 221-13, "Mentally Ill or Emotionally Disturbed Persons,"* as applicable.
   b. Comply with *P.G. 221-13, "Mentally Ill or Emotionally Disturbed Persons,"* if homeless individual is intoxicated, and leads you to believe that they are at risk of serious injury to him/herself or others.
   c. If homeless individual is identified as a client of the Department of Homeless Services, or other service provider, that agency will be contacted to respond, if available, to continue outreach efforts.
2. Advise homeless individual of available services.
   a. A homeless individual who refuses services after repeated encounters should be referred to Department of Homeless Services personnel.
3. If homeless individual requests to go to a shelter, or accepts an offer of shelter, comply with *P.G. 212-07, "Transporting Non-Members of the Service in Radio Motor Patrol Cars,"* and provide transportation to nearest 24-hour Intake Shelter or Drop-in Center.
   a. All homeless male individuals in the borough of Queens will be transported to the 30th Street Men's Shelter.
4. Use radio code 10-97S when transporting a homeless individual to a homeless shelter for any reason (e.g., routine, "cold weather emergency," etc.).
5. Document each contact with a homeless individual on an **AIDED REPORT**, utilizing the Finest Online Records Management System (FORMS), unless arrest is effected or summons is issued (i.e., prepare arrest paperwork or summons as appropriate).
   a. Include in the "Details" section that the individual is not sick or injured, but is homeless.
      (1) Indicate whether or not homeless individual requested transportation to a shelter.
      (2) Indicate whether or not services were offered, and if accepted or refused.

***NOTE*** *Contact with homeless individuals resulting from outreach efforts will be recorded by selecting the "Other (Explain in Details)" check box on **AIDED REPORT**, and including the circumstances of the contact under "Details" section of **AIDED REPORT**.*

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

6. Take appropriate enforcement action if homeless individual violates the law, including repeated minor violations.
   a. Request patrol supervisor to all arrest situations.
7. Contact Legal Bureau with any questions in regard to taking enforcement action, or when removing an individual to a shelter location.
   a. Legal Bureau attorneys are available Monday through Friday, from 0700 hours to 2230 hours, or at other times, the duty attorney may be reached through the Operations Division.
8. Make digital **Activity Log** entry for all homeless individual contacts.

***NOTE*** *A homeless individual who is apparently physically and mentally sound, and refuses services, is either free to leave or remain at a location.*

WHEN A "COLD WEATHER EMERGENCY" (TEMPERATURE REACHES OR FALLS BELOW 32 DEGREES FAHRENHEIT) IS DECLARED BY THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE, STEPS "9" THROUGH "11" WILL BE COMPLIED WITH:

**UNIFORMED MEMBER OF THE SERVICE**

9. Be alert at all times (particularly between 1600 and 0800 hours) for homeless individuals with no available means of shelter from the elements.
10. Talk to homeless individual to ascertain if they have an available means of shelter.
    a. If homeless individual has no available means of shelter, and if they consent, transport individual to nearest 24-hour Intake Shelter OR Drop-in Center for Adults (see Additional Data).
    b. If homeless individual has no available means of shelter, and refuses offer of shelter, request patrol supervisor to respond to location.

**PATROL SUPERVISOR**

11. Respond to scene and make every effort to encourage homeless individual to accept offer of shelter.
    a. If homeless individual continues to refuse shelter, and it is determined that the individual appears to be either mentally ill or incapacitated by alcohol and/or substances, comply with *P.G. 221-13, "Mentally Ill or Emotionally Disturbed Persons,"* and/or *P.G. 216-01, "Aided Cases General Procedure,"* as necessary.

**DESK OFFICER**

12. Review **AIDED REPORT** using FORMS, if prepared, and ensure that all required captions are complete and accurate, and that all proper notifications are made.
    a. If unable to verify completeness and accuracy, return to submitting uniformed member of the service for necessary attention.
13. Approve **AIDED REPORT** using FORMS, after verifying completeness and accuracy.

**COMMANDING OFFICER**

14. Report all locations of homeless street conditions or persistent congregations of homeless individuals to appropriate patrol borough command.

**PATROL BOROUGH COMMAND**

15. Maintain a record of all homeless street condition sites and persistent congregations reported by subordinate commands, and notify the Office of the Chief of Patrol.
16. Notify Patrol Services Bureau, Incident Notification Response Unit (INRU) of all homeless contact information, upon conclusion of all "cold weather emergency" activations.
17. Report persistent locations to the Office of the Chief of Department via email, at homelessconditions@nypd.org.

**OFFICE OF THE CHIEF OF DEPARTMENT**

18. Coordinate multi-agency response for all persistent homeless locations.

***ADDITIONAL DATA***

*All patrol, transit and housing commands will ensure "outreach cards," which are prepared by the New York City Department of Homeless Services and contain contact information for obtaining shelter, are made available to their personnel.*

*Homeless Outreach Unit personnel will provide information and training to command personnel regarding services available to homeless individuals, as well as strategies and tactics for interacting with homeless individuals. The unit is staffed and operational 24 hours a day, seven days a week.*

*HEALTH AND HOSPITALS CORPORATION HOSPITALS*

***BRONX***

*Jacobi Hospital*
*1400 Pelham Parkway South*

*Lincoln Hospital*
*234 East 149th Street*

*North Central Bronx*
*3424 Kossuth Avenue*

***BROOKLYN***

*Coney Island Hospital*
*2601 Ocean Parkway*

*Kings County Hospital*
*451 Clarkson Avenue*

*Woodhull Hospital*
*760 Broadway*

***MANHATTAN***

*Bellevue Hospital*
*462 First Avenue*

*Harlem Hospital*
*506 Lenox Avenue*

*Metropolitan Hospital*
*1901 First Avenue*

***ADDITIONAL DATA (continued)***

***QUEENS***

*Queens Hospital Center*
*82-68 164th Street*

*Elmhurst Hospital Queens*
*79-01 Broadway*

***STATEN ISLAND***

*Richmond University Medical Center*

***RELATED PROCEDURES***

*Aided Cases General Procedure (P.G. 216-01)*
*Mentally Ill or Emotionally Disturbed Persons (P.G. 221-13)*
*Preparation of Aided Report (P.G. 216-02)*
*Transporting Non-Members of the Service in Radio Motor Patrol Cars (P.G. 212-07)*

***FORMS AND REPORTS***

***AIDED REPORT***

NYPD

**PURPOSE** To ensure that all New York City Public Housing residents who are arrested pursuant to the execution of a search warrant where contraband is recovered or arrested for a designated crime committed on the grounds of any New York City Public Housing Development are targeted for possible eviction proceedings under the "Cases for Legal Action" (CFLA) Program.

**DEFINITION** The warrants and designated crimes for which a New York City Public Housing resident is arrested, and subsequently can be targeted for possible eviction proceedings under the CFLA program, are classified as follows:

- (Category I) – All residents arrested as the result of a search warrant where contraband is recovered.
- (Category II) – All residents arrested for a felony narcotics related charge including those related to marijuana.
- (Category III) – All residents charged with one or more of the following charges:
  - a. Murder 1st, 2nd or attempt
  - b. Rape 1st or attempt
  - c. Robbery 1st or 2nd
  - d. Assault 1st
  - e. Assault 2nd (When victim is shot by a firearm)
  - f. Burglary 1st
  - g. Arson 1st, 2nd or 3rd
  - h. Criminal Sexual Act 1st or attempt
  - i. Course of Sexual Conduct Against a Child 1st or attempt
  - j. Aggravated Sexual Abuse 1st or attempt
  - k. All firearms offenses listed in Article 265 of the N.Y.S. Penal Law.
- (Category IV) – Any other case deemed appropriate by a Commanding Officer after conferral with the CFLA coordinator and with the approval of the Chief of Housing Bureau.

**PROCEDURE** Whenever any uniformed member of the service effects an arrest of a New York City Public Housing resident 18 years of age or older pursuant to the execution of a search warrant where contraband is recovered, or for the commission of a designated crime committed on the grounds of any New York City Public Housing development, the following procedure will be complied with:

***NOTE*** *For the purposes of this procedure it should be noted that a resident of public housing can still be subject to the provisions of this program even though:*

- *the resident is not arrested or present at the time the search warrant is executed, or*
- *the "triggering incident" (i.e., arrest pursuant to the execution of a search warrant where contraband is recovered or arrest for a designated crime) occurs in a housing development other than the one in which the resident lives.*

**UNIFORMED MEMBER OF THE SERVICE**

1. Upon arresting a New York City Housing Authority (NYCHA) resident pursuant to the execution of a search warrant where contraband is recovered or for a designated crime as defined in this procedure, prepare a CFLA package consisting of the following documents:
   a. **CASES FOR LEGAL ACTION COVER SHEET (PD149-090)**
   b. Copy of computer generated **ON LINE BOOKING SYSTEM ARREST WORKSHEET (PD244-159)**
   c. Copy of computer generated **COMPLAINT REPORT (PD313-152)**
   d. Copy of **PROPERTY CLERK INVOICE (PD521-141)**, when prepared
   e. Copy of **REQUEST FOR LABORATORY EXAMINATION REPORT (PD521-168)**, when prepared
   f. Copy of NYCHA Trespass Notice, when prepared
   g. Copy of Search Warrant (not the application for a search warrant), when applicable
   h. District Attorney's Affidavit.
2. Forward completed CFLA package to the arresting officer's commanding officer/designee.

***NOTE*** *Arresting officers will redact any information which may indicate the identity of a confidential informant, a juvenile (other than Juvenile Offender), victim of a sex crime or any other sealed records or confidential information required by law.*

**COMMANDING OFFICER/ DESIGNEE**

3. Verify a CFLA package has been prepared for all qualified arrests.
4. Ensure completeness of CFLA packages.
5. Forward CFLA packages daily to the Housing Bureau Special Operations Section, 2768 Eighth Avenue, Room 507, New York, New York, 10013, Attention: CFLA Coordinator.

**CFLA COORDINATOR**

6. Review packages for completeness and ensure information is redacted, as necessary.
7. Identify cases eligible for the Housing Authority's Expedited Eviction Program.
8. Process and forward CFLA packages to the New York City Housing Authority daily to initiate proceedings.

***RELATED PROCEDURES***

*Duplicate Copies of Complaint Reports (P.G. 207-05)*
*Preliminary Investigation of Vice, Narcotics or Organized Crime-Related Complaints (P.G. 207-08)*
*Search Warrant Applications (P.G. 212-75)*
*Narcotics Eviction Program (P.G. 214-02)*

***FORMS AND REPORTS***

***CASES FOR LEGAL ACTION COVER SHEET (PD149-090)***
***ON LINE BOOKING SYSTEM ARREST WORKSHEET (PD244-159)***
***COMPLAINT REPORT (PD313-152)***
***PROPERTY CLERK INVOICE (PD521-141)***
***REQUEST FOR LABORATORY EXAMINATION REPORT (PD521-168)***

**PURPOSE** To save manpower by reducing police response to locations when three or more alarms, within a three month period, were determined to be unnecessary/unfounded.

**PROCEDURE** Upon response to a radio code signal 10-11 (Alarm Condition) and investigation discloses transmission of alarm was unnecessary or unfounded:

**UNIFORMED MEMBER OF THE SERVICE**

1. Prepare **NOTICE OF UNNECESSARY ALARM (PD310-120)**, enter name of person served and complete appropriate captions.
2. Serve original copy of **NOTICE OF UNNECESSARY ALARM** to person qualified to accept service.

***NOTE*** *Person Qualified to Accept Service of a **NOTICE OF UNNECESSARY ALARM** - owner, corporate officer, manager, and supervisor, or in their absence, adult employee of firm or adult resident of premises.*

3. Report disposition (code signal 10-90N - Notice Served - Unnecessary/ Unfounded Alarm) to Communications Section dispatcher.
4. Deliver remaining copies of **NOTICE OF UNNECESSARY ALARM** to desk officer for Crime Prevention Officer.

PERSON QUALIFIED TO ACCEPT SERVICE OF NOTICE OF UNNECESSARY ALARM NOT PRESENT:

**UNIFORMED MEMBER OF THE SERVICE**

5. Prepare **NOTICE OF UNNECESSARY ALARM** and place original in mailbox or under door.
6. Report disposition (code signal 10-90N - Notice Served - Unnecessary/ Unfounded Alarm) to Communications Section dispatcher.
7. Check box "DOOR SERVICE" on remaining copies of **NOTICE OF UNNECESSARY ALARM** and deliver to desk officer for Crime Prevention Officer.

***NOTE*** *A **NOTICE OF UNNECESSARY ALARM** must be served for an unnecessary/unfounded alarm including an alarm caused by user error.*

UNABLE TO SERVE NOTICE OF UNNECESSARY ALARM (DEFERRED SERVICE):

**UNIFORMED MEMBER OF THE SERVICE**

8. Prepare **NOTICE OF UNNECESSARY ALARM** (Deferred Service) when qualified person not present or **NOTICE** cannot be placed in mailbox or under door.
9. Report disposition (code signal 10-90N3 - Deferred Service) to Communications Section dispatcher.
10. Deliver all copies of **NOTICE OF UNNECESSARY ALARM** to desk officer for deferred service by Crime Prevention Officer.

**CRIME PREVENTION OFFICER**

11. Inspect previous **COMPLAINT REPORT (PD313-152)** locations prior to having **NOTICE OF UNNECESSARY ALARM** (Deferred Service) delivered to premises, on next business day, to guard against improper service.

***NOTE*** *No **NOTICE** is to be served to a premise where a crime was committed.*

12. Direct member making delivery to complete "Deferred Service" section of **NOTICE OF UNNECESSARY ALARM**.
    a. Serve original copy of **NOTICE** to person qualified to accept service, or
    b. Place original copy in mailbox or under door, if necessary, and check box "DOOR SERVICE" on remaining copies.
13. Have remaining copies of **NOTICE OF UNNECESSARY ALARM** delivered to desk officer.

***NOTE*** *If investigation discloses evidence of a crime or attempted crime when a **NOTICE OF UNNECESSARY ALARM** (Deferred Service) is delivered to a qualified person or "door service" has been effected, uniformed member of the service making the delivery will prepare **COMPLAINT REPORT WORKSHEET (PD313-152a)**, if appropriate, and complete "Revised Disposition" section of **NOTICE OF UNNECESSARY ALARM**.*

14. Prepare and place an additional copy of **NOTICE OF UNNECESSARY ALARM**, for all "door service" cases in an envelope addressed to owner or manager, and forward via next Department mail to Mail and Distribution Unit, Police Headquarters, for postage mailing and indicate date forwarded on precinct copy of **NOTICE**.
15. Maintain **NOTICE OF UNNECESSARY ALARMS** master file in precinct for all:
    a. Personally served **NOTICES**
    b. "Door service" **NOTICES**
    c. "Deferred Service" **NOTICES**
    d. "Revised Disposition" **NOTICES**
    e. Executed "Termination" **NOTICES**.
16. Obtain "Abuser Alarm Location Notification" (Notice Memo) from FINEST printer each day.

***NOTE*** *The Information Technology Services Division forwards the "Abuser Alarm Location Notification" listing to each command daily.*

17. Review "Abuser Alarm Location Notification" listing with precinct commanding officer to determine which locations to be terminated.
18. Prepare, and personally serve, **TERMINATION NOTICE - CHRONIC ALARM LOCATION (PD310-121)** to identified premises, only when directed by precinct commanding officer.

**CRIME PREVENTION OFFICER (continued)**

19. Maintain copy of "Abuser Alarm Location Notification" indicating continued response, or reinstatement.
    a. Maintain copy of Transmittal Letter (Misc. 1726) when reinstating without "Abuser Alarm Location Notification."
20. Provide assistance to persons seeking methods to improve alarm performance.
21. Perform alarm system and/or premises security surveys in appropriate instances.
22. Maintain record of all contacts regarding alarm abuse locations, e.g., information given to improve alarm performance, system modifications recommended and implemented, premises surveys and results, uncooperative or indifferent attitude, etc.
23. Enter/post to the Alarm Board Notification System Database, on a daily basis, all:
    a. Personally served **NOTICES**
    b. "Door service" **NOTICES**
    c. "Deferred Service" **NOTICES**
    d. "Revised Disposition" **NOTICES**
    e. "Termination" **NOTICES**
    f. "Continued Response" **NOTICES**
    g. "Reinstatement" **NOTICES**.

TERMINATING RESPONSE TO CHRONIC ALARM LOCATIONS:

**PRECINCT OPERATIONS COORDINATOR**

24. Verify that copy of **NOTICE OF UNNECESSARY ALARM** is on file for each unnecessary response listed on "Abuser Alarm Location Notification."
25. Personally review precinct records relative to premises identified by "Abuser Alarm Location Notification" as a "Chronic Alarm Location."
26. Ascertain, from precinct Crime Prevention Officer, if any inquiry was received from location identified as chronic regarding methods to improve alarm performance.
27. Evaluate any attempt at location to correct condition, e.g., system modifications, nature and extent of employee training in alarm use, etc.

**PRECINCT COMMANDING OFFICER/ DESIGNEE**

28. Meet with alarm abuser to stress the need for improvement in his/her system or personnel training, in appropriate cases.

**PRECINCT COMMANDING OFFICER**

29. Consider advisability of alternative action in lieu of termination response to location, in appropriate cases.
30. Direct crime prevention officer to have form **NOTICE OF CONTINUANCE/CHRONIC ALARM LOCATION (PD115-110)** served on alarm user when determination is made to continue response because premises/location is sensitive, e.g., hours of worship, certain types of business, etc.

**PRECINCT COMMANDING OFFICER (continued)**

31. Approve service of **TERMINATION NOTICE** when warranted, by personally signing original and duplicate of **NOTICE** immediately above "Delivery Endorsement" section.
    a. Sign "Abuser Alarm Location Notification" (Notice memo) and Transmittal Letter (misc. 1726).
32. Direct personal service of **TERMINATION NOTICE** to qualified person.

REINSTATEMENT OF RESPONSE FOR TERMINATED CHRONIC ALARM LOCATIONS:

**PRECINCT COMMANDING OFFICER**

33. Review all written requests and supporting documents, if any, received relative to reinstatement.
34. Review precinct records relative to terminated premises.
35. Confer with crime prevention officer to determine receipt of any additional unnecessary alarms since termination.
36. Review record of contacts between precinct crime prevention officer and person in charge at chronic alarm location.
37. Require alarm system and/or premises security survey prior to reinstatement, as appropriate.
38. Approve or disapprove a request for reinstatement.
    a. Have person qualified to accept service personally served with decision in writing.
    b. Inform crime prevention officer of decision to reinstate.
        (1) If reinstatement is approved, notify person in charge of premises at terminated location to anticipate a minimum of forty-eight hours delay before crime prevention officer can re-enter premises to a response mode.
    c. File copy in precinct, indicating firm name, name and address of person notified and time and date of notification on file copy.

***ADDITIONAL DATA***

*When a signal "10-11" is received at precinct telephone switchboard, the job will be telephoned to 911 for Communications Section processing.*

*To facilitate proper transfer of the responsibilities and functions to the precincts, "HELP" desks have been established (Information Technology Bureau [ITB] Service Desk and Police Academy, Computer School) to assist precinct crime prevention officers in operating the program.*

***FORMS AND REPORTS***

***COMPLAINT REPORT (PD313-152)***
***COMPLAINT REPORT WORKSHEET (PD313-152a)***
***NOTICE OF CONTINUANCE/CHRONIC ALARM LOCATION (PD115-110)***
***NOTICE OF UNNECESSARY ALARM (PD310-120)***
***TERMINATION NOTICE - CHRONIC ALARM LOCATION (PD310-121)***

# PATROL GUIDE

| Section: Quality Of Life Matters | | Procedure No: 214-09 | |
|---|---|---|---|
| **TAXI AND LIMOUSINE COMMISSION PADLOCK ENFORCEMENT PROGRAM** | | | |
| DATE ISSUED: 08/01/13 | DATE EFFECTIVE: 08/01/13 | REVISION NUMBER: | PAGE: 1 of 1 |

**PURPOSE** To assist Taxi and Limousine Commission (T.L.C.) agents in the padlocking of unlicensed livery base locations.

**SCOPE** In an attempt to close unlicensed livery car base locations, the Taxi and Limousine Commission has instituted a padlock program for citywide enforcement. This Department, in its continuing policy of inter-agency cooperation, will assist the Commission in its endeavor whenever possible. Accordingly, when requested by the Taxi and Limousine Commission, uniformed members of the service will accompany that agency's representatives to the initial sealing of unlicensed premises. Uniformed members will also accompany them when they perform follow-up padlocking ten days after the initial padlockings. The function of uniformed members at these padlockings will be to preserve the peace and ensure that the Taxi and Limousine Commission representatives are not prevented from performing their duties. This Department will assist the Taxi and Limousine Commission with enforcement action if necessary. However, arresting officers and complainants will be provided by the Taxi and Limousine Commission.

**PROCEDURE** When a request is made by the Taxi and Limousine Commission to assist at the initial, and follow up, padlocking of an unlicensed livery base location:

**UNIFORMED MEMBER OF THE SERVICE**

1. Accompany the Taxi and Limousine Commission agents to the location and ensure they are not prevented from performing their duties.
2. Assist the Taxi and Limousine Commission agents in taking enforcement action, if necessary.

***NOTE*** *In arrest situations, the arresting officer and the complainant will be provided by the Taxi and Limousine Commission.*

**DESK OFFICER**

3. Assign uniformed member of the service concerned to conduct daily inspections of the padlocked locations.

***NOTE*** *If violations are observed, the Taxi and Limousine Commission will be notified by telephone. Violations observed after business hours will require a follow up notification the following day.*

***ADDITIONAL DATA*** *The Taxi and Limousine Commission has informed this Department that any precinct command that has a problem regarding an unlicensed livery base may call them and request that they undertake enforcement action at the location.*

NYPD

# PATROL GUIDE

| Section: Quality Of Life Matters | | Procedure No: 214-10 | |
|---|---|---|---|
| **UNLAWFUL POSTING OF SIGNS** | | | |
| DATE ISSUED: 08/01/13 | DATE EFFECTIVE: 08/01/13 | REVISION NUMBER: | PAGE: 1 of 1 |

**PURPOSE** To prevent unlawful posting of signs on public streets.

**PROCEDURE** Upon observing an unauthorized sign posted on a gutter, lamppost, telephone pole or tree within the boundaries of a public street or highway:

**UNIFORMED MEMBER OF THE SERVICE**

1. Serve summons for Administrative Code Section 10-119 (a violation) to person observed posting sign.
2. Remove the sign, if possible, and place it in a trash basket.

NYPD

| Section: Quality Of Life Matters | Procedure No: 214-11 |
|---|---|

# ENFORCEMENT ACTIVITIES REGARDING OBSCENITY (PENAL LAW ARTICLE 235) AND PUBLIC DISPLAY OF OFFENSIVE MATERIAL (PENAL LAW SECTION 245.11)

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

**PURPOSE** To establish guidelines relating to the enforcement of laws regarding the public display of sexually explicit or offensive material.

**PROCEDURE** Whenever a uniformed member of the service observes or receives a complaint regarding the public display of sexually explicit or offensive material (i.e., photographs, magazines, videos and other related material displayed in store windows, magazine racks, newsstands, movie marquees or otherwise exposed to public view):

**UNIFORMED MEMBER OF THE SERVICE**

1. Immediately notify the patrol supervisor.

***NOTE*** *Do not take any enforcement action, including effecting arrests, issuing summonses or seizing any suspected obscene materials or entering into the private areas of stores or other premises.*

**PATROL SUPERVISOR**

2. Respond to the location and determine if:
   a. The material or item is easily visible from any public street, sidewalk or transportation facility, or is displayed inside any premise that is accessible to members of the public without a fee for admission, AND
   b. The material depicts actual or simulated sexual conduct, including acts of masturbation, sexual intercourse or physical contact with a person's clothed or unclothed genitals, pubic area, buttocks or if such person be a female, breasts; or sadomasochistic abuse including flagellation or torture by or upon a person clad in undergarments, a mask or bizarre costume or in the condition of being fettered, bound or otherwise physically restrained.
3. Make digital **Activity Log** entry regarding:
   a. Nature of the display
   b. Sexual activity depicted and the circumstances surrounding the display's public visibility (i.e., size of display, distance from the street or sidewalk, etc.,)
   c. Character of the location, such as commercial or residential, including the proximity of the display to schools, places of amusement, parks and playgrounds.
4. Consult with Legal Bureau upon completion of investigation.

***NOTE*** *Patrol supervisors and other uniformed members of the service will take no enforcement action in this matter, including effecting arrests, issuing summonses, or seizing any suspected obscene material, or entering into the private areas of stores or other premises, without the specific direction of the Legal Bureau.*

***ADDITIONAL DATA***

*While possession of obscene material may be illegal in some cases, an arrest for the violation of any provision of Penal Law Article 235 (Obscenity) can only be made following a judicial determination that the item is obscene. Subject items would need to be purchased, or otherwise obtained lawfully, and presented to a judge for review. Members of the service must not take any enforcement action in incidents involving the possession of suspected obscene materials or suspected obscene or offensive performances. In those circumstances the members concerned should notify the Legal Bureau.*

*While no summary enforcement action can be taken pursuant to Penal Law Article 235 (Obscenity), members of the service, under appropriate circumstances, may take summary enforcement action for the PUBLIC DISPLAY of offensive sexual material (Penal Law Section 245.11, entitled "Public Display Of Offensive Sexual Material", a class A misdemeanor). When contemplating enforcement of this penal law section, members of the service are to strictly adhere to the above guidelines.*

NYPD

**PROCEDURE** To protect the rights of a person who is being or has been unlawfully evicted from his dwelling unit.

**DEFINITIONS** UNLAWFUL EVICTIONS - Purpose of the law is to discourage, through the imposition of substantial criminal and civil penalties, unlawful evictions to occupants of dwelling units, by methods which often involve:

a. Force and violence, or
b. The denial of essential services, or
c. Other serious Building Code and Health Code violations.

The law makes it unlawful for any person to evict or attempt to evict an occupant by:

a. Using or threatening to use force, or
b. Interruption or discontinuance of essential services (heat, electricity, water), or
c. Removing the occupant's possessions from the dwelling, or
d. Removing the entrance door, or
e. Removing, plugging or rendering inoperable the entrance door lock, or
f. Changing the lock on such entrance door without supplying the occupant with a key, or
g. Engaging in a course of conduct that interferes, or attempts to interfere, with the comfort, repose, peace or quiet of an occupant, or
h. Failing to take all reasonable and necessary action to restore an occupant of a dwelling to occupancy, should preceding subdivisions "a" through "g" occur.

Unless a Warrant of Eviction or Government Order to Vacate has been executed, the protective provisions of this law apply in the following circumstances:

a. When an individual occupies a dwelling unit pursuant to a lease; or
b. When an individual has lawfully occupied a dwelling unit for thirty or more consecutive days; or
c. When an individual occupies a dwelling unit within a hotel which is subject to registration under the rent stabilization law (generally single room occupancies [S.R.O.'S]) and has requested a lease pursuant to provisions of the rent stabilization law.

DWELLING - Any building or structure or portion thereof which is occupied in whole or in part as the home, residence or sleeping place of one or more human beings. Qualifying "dwellings" include:

a. One or two family homes
b. Multiple dwellings.

DWELLING UNIT - Any residential accommodation within a dwelling.

**DEFINITIONS (continued)**

MULTIPLE DWELLING - A dwelling which is either rented, leased, let or hired out, to be occupied, or is occupied, or is intended, arranged or designed to be used or occupied, as the residence or home of three or more families living independently of each other. A multiple dwelling includes apartment buildings and hotels. A multiple dwelling does not include:

a. A hospital, convent, monastery, asylum or public institution, or
b. A fireproof building used wholly for commercial purposes except it may contain one janitor's apartment, and one penthouse occupied by not more than two families, or
c. Government owned housing, which is exempt from the unlawful eviction statute, and includes NYCHA housing, etc., or
d. Privately owned housing, even if receiving government funding, is not exempt from the unlawful eviction statute, and includes privately owned hotels receiving funds for housing residents referred by the Human Resources Administration, etc.

OWNER - Any person, firm or corporation directly or indirectly in control of a dwelling. A tenant who subleases his dwelling unit is in the position of an "owner" with respect to his sub-tenant.

**PROCEDURE**

When a uniformed member of the service has probable cause to believe that a person has been unlawfully evicted from his dwelling unit:

**UNIFORMED MEMBER OF THE SERVICE**

1. Prepare summons in cases where the violator is properly identified and occupant is permitted to reenter the dwelling.
   a. Follow *P.G. 209-09, "Personal Service of Summonses Returnable to Traffic Violations Bureau or Criminal Court."*
   b. Prepare a separate summons for either NYC Administrative Code section 26-521, or NYS Real Property Actions and Proceedings Law section 768, for each offense.
   c. Make summons returnable to:
      (1) Summons Adjudication Part of Manhattan Criminal Court, if issued in Manhattan, Brooklyn, Bronx or Queens
      (2) Staten Island Criminal Court, if issued in Staten Island
      (3) Schedule Return dates at least twenty-one days from the date summons is issued, on the day of the week indicated, according to the borough where violation occurred:
         - **Manhattan** **Tuesday**
         - **Bronx** **Tuesday**
         - **Brooklyn** **Thursday**
         - **Queens** **Thursday**
         - **Staten Island** **First Wednesday of month**
   d. Complete "Complaint/Information" section on front of summons.
      (1) Specific details of the violation must be provided.
   e. Personally serve violator with Criminal Court (pink) copy of summons.
   f. Process remaining copies according to normal procedures.

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

2. Effect an arrest where the violator:
   a. Cannot be properly identified, or
   b. Refuses to permit occupant to re-enter or who through physical obstruction prevents the occupant from re-entering.
      (1) When an arrest is necessary, the violator shall be brought to criminal court for prompt arraignment. A desk appearance ticket shall not be issued.
3. Refer evicted persons who are unable to secure temporary housing to the New York City Department of Homeless Services.

***ADDITIONAL DATA***

*If offense was committed in the presence of officer, the officer will sign the "Complaint/Information" section of the summons. When not committed in officer's presence, the officer must ascertain that a crime was committed and request complainant to sign the "Complaint/Information" section. If complainant refuses, officer may sign, "based on information and belief," provided all details as related to the officer by the complainant are included in the "Complaint/Information" section.*

*If a civilian is the complainant, draw a line through the words "Complainant's" and "Complainant" and substitute the words "Officer's" and "Officer," as applicable, on the front of the summons. In addition, draw a line through the words, "I personally observed the commission of the offense charged herein" immediately above the "Complainant's Full Name Printed" caption. In addition, IN EVERY CASE IN WHICH A CIVILIAN COMPLAINANT IS INVOLVED, THE NAME, ADDRESS, AND TELEPHONE NUMBER OF THE COMPLAINANT WILL BE ENTERED ON THE BOTTOM REVERSE SIDE OF THE "ORIGINAL" SUMMONS UNDER THE CAPTIONS "COMPLAINANT'S FULL NAME PRINTED," "RANK/FULL SIGNATURE OF COMPLAINANT," "DATE AFFIRMED."*

*Unlawful eviction is a class "A" misdemeanor. However, it is not a fingerprintable offense.*

*Substantial civil penalties may also be sought through Corporation Counsel in appropriate cases.*

*When it has been determined that a continuous pattern of unlawful eviction activity exists at a particular location, the precinct commander will confer with Legal Bureau personnel regarding initiation of civil action through the Corporation Counsel. If there is a potential for violence between Family/Household members, the demanding of entrance under this procedure is not required. In Family/Household situations, members of the service are to follow Department domestic violence guidelines.*

*Members of the service should also refer to Legal Bureau Bulletin Vol. 49 No. 3, dated August 2019, for legal reference regarding unlawful evictions.*

***RELATED PROCEDURES***

*Family Offenses/Domestic Violence (P.G. 208-36)*
*Personal Service of Summonses Returnable to Traffic Violations Bureau or Criminal Court (P.G. 209-09)*
*Evictions, Repossessions and Other Civil Process (P.G. 214-13)*
*Mentally Ill or Emotionally Disturbed Persons (P.G. 221-13)*

***FORMS AND REPORTS***

***COMMON SUMMONSABLE OFFENSES (PD160-102)***

**PURPOSE** To protect life and property and preserve the peace when involved in the enforcement of eviction warrants or other civil process.

**SCOPE** Uniformed members of the service should be cognizant that incidents to which they respond may be the outgrowth of a civil process. The authority to break and enter pursuant to purely civil process such as repossessions, evictions and civil commitments is given to the city marshal/sheriff. The only assistance which the police must render to a marshal is the general mandate of the New York City Charter to preserve the peace and protect life and property.

**PROCEDURE** When requested to assist in the execution of an eviction warrant or other civil process:

**DESK OFFICER**

1. Assign uniformed member of the service to assist at location involved.

**UNIFORMED MEMBER OF THE SERVICE**

2. Respond to location and examine identification of city marshal/sheriff and if eviction is involved, examine warrant.

***NOTE*** *The role of a uniformed member of the service when called to the scene of an eviction or other civil process situation is to preserve the peace and prevent the commission of a crime. The execution of a warrant of eviction is the sole responsibility of the city marshal/sheriff. Where a forced entry is authorized, a city marshal/sheriff is required to do so in the least disruptive way. Uniformed members of the service will not assist in breaking a door or damaging other property to effect a warrant of eviction. The city marshal is responsible for this action, when necessary and authorized.*

IF SUBJECT OF AN EVICTION OR OTHER CIVIL PROCESS REFUSES TO ALLOW ENTRY OR LEAVE VOLUNTARILY:

**UNIFORMED MEMBER OF THE SERVICE**

3. Notify desk officer and request response of a patrol supervisor, before any further action is taken.

**PATROL SUPERVISOR**

4. Respond to scene and assess situation.

***NOTE*** *If subject of eviction warrant or other civil process appears to be emotionally disturbed comply with P.G. 221-13, "Mentally Ill or Emotionally Disturbed Persons."*

IF SUBJECT OF EVICTION OR OTHER CIVIL PROCESS ALLOWS ENTRY:

**UNIFORMED MEMBER OF THE SERVICE**

5. Enter premises with city marshal/sheriff and landlord/representative and remain until eviction or civil process is executed.
6. Make following entry in digital **Activity Log**:
   a. Name and shield number of city marshal/sheriff
   b. Time of entry into tenant's premises
   c. Location of tenant's premises in building
   d. Name of tenant
   e. Note if tenant is present or not
   f. Whether city marshal/sheriff or landlord/representative will be responsible for the tenant's property.
      (1) If the landlord/representative endorses the eviction warrant indicating that he takes responsibility for the property in the premises, the eviction is complete.
      (2) If the landlord/representative does not take responsibility for the property in the premises, the city marshal must arrange for removal.

***NOTE*** *The city marshal/sheriff or the landlord/representative is not permitted to place the property from the premises on the sidewalk. A vehicle must be on the scene and property loaded immediately.*

   g. Name and address of moving company
   h. Name of the driver of each moving van
   i. Time each moving van left
   j. Location of warehouse where property will be stored.

7. Notify desk officer when the eviction is competed.

***RELATED PROCEDURES***

*Mentally Ill or Emotionally Disturbed Persons (P.G. 221-13)*
*Motor Vehicles Repossessed/Parking Violations Scofflaw Removal Program (P.G. 212-48)*
*Unlawful Evictions (P.G. 214-12)*
*Hostage Barricaded Person(s) (P.G. 221-14)*

**PURPOSE** To permit owner or lessee of residential property, containing no more than two dwelling units, to have unoccupied vehicle(s) blocking entry or exit to their driveway towed by either licensed tow car of their choice or next available tow company in Rotation Tow Program.

**PROCEDURE** Upon being directed to respond to a blocked driveway assignment:

**UNIFORMED MEMBER OF THE SERVICE**

1. Ascertain if unoccupied vehicle is reported stolen and comply with appropriate procedures.
2. Determine if registered owner of vehicle is also owner/lessee of premises involved.

***NOTE*** *Registered owners of vehicles are permitted to park in front of own driveway.*

3. Issue summons for violation "Obstructed Driveway" (Section 4-08F2 Traffic Rules) if vehicle is not reported stolen and owner/lessee is not involved.
4. Adhere to applicable provisions of *P.G. 218-21, "Rotation Tow."*

***NOTE*** *The owner/lessee has the option of removing a vehicle by a licensed tow operator of own choice after a summons has been issued. In such cases, the provisions of the Rotation Tow procedure will <u>not</u> apply, including the transfer of the vehicle from the private tow to the Property Clerk's Auto Pound on weekdays commencing on the eighth day and ending on the thirtieth day, even when the private tow selected by the owner/lessee is a participant in the Rotation Tow Program. As per the State Lien Law, the private tow company is entitled to a lien against the unclaimed vehicle.*

5. Prepare **PROPERTY CLERK INVOICE WORKSHEET (PD521-141A)** and enter 'Driveway Tow' in the 'Remarks' section, if vehicle removed by Rotation Tow.
   a. If vehicle is locked and secure, do not attempt to enter vehicle. In such cases, the responsibility for safeguarding property within vehicle rests with tow company.
   b. If property is clearly visible within vehicle and such vehicle is unlocked and entry is easily accessible, invoice property on separate **PROPERTY CLERK INVOICE WORKSHEET**.
6. Deliver **WORKSHEET(S)** to desk officer, precinct of occurrence.

**DESK OFFICER**

7. Notify the Stolen Property Inquiry Section for each vehicle removed under the provisions of Administrative Code 19-169.1, whether removed by a rotation tow operator or by a licensed private tow.

***NOTE*** *If a rotation tow operator unjustifiably refuses a "Driveway Tow" assignment, the desk officer shall forward a* ***REPORT OF VIOLATION (PD672-151)*** *to the Department of Consumer Affairs. In the event that a rotation tow operator responds to a location and the vehicle has been removed, the tow operator will not be charged a turn and will be returned to the top of the rotation list.*

**DESK OFFICER (continued)**

8. Insert the words, "DRIVEWAY TOW" under "Remarks", in the **ROTATION TOWING LOG (PD571-1412),** if vehicle is removed under the Rotation Tow Program.
9. Ensure **PROPERTY CLERK INVOICE WORKSHEETS** are entered into the Property and Evidence Tracking System.

***ADDITIONAL DATA***

*A licensed tow operator who removes a vehicle pursuant to this section may collect the appropriate charges from the owner or other person in control of such vehicle, payable before the vehicle is released. If a vehicle was removed under the Department's Rotation Tow Program and is not claimed, the tow operator is required to bring the vehicle to a Department Auto Pound on weekdays, commencing on the eighth day and ending on the thirtieth day. The owner, the owner's agent or an insurance company representative must pay the NYPD Rotation Tow fees, in addition their may be third party transfer and storage fees, at the Department Auto Pound concerned in order to reclaim a vehicle. If the vehicle remains unclaimed after fifteen days from its delivery date to a Department Auto Pound, the vehicle will be disposed of according to law. Administrative Code Section 20-519 (c) advises that in no event shall a tow company be entitled to charge the Police Department for storage charges incurred after the tenth day of storage.*

*A licensed tow operator may not tow a vehicle pursuant to this law without the express written authorization of the owner/lessee of the property. An authorization form must be carried by the tow operator and shall include the location of the vehicle to be removed, the make, model, color and license plate of the vehicle and a statement that the vehicle was removed pursuant to a notice of parking violation (summons). This form 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 minutes of the vehicle's arrival, the tow operator must notify the precinct in which the storage facility is located, of all information contained on the authorization form, including the name of the person who signed the form. The desk officer will record this information in the Command Log.*

*If the registered owner or other person in control of the vehicle arrives at the scene prior to the removal of the vehicle, and such vehicle is connected to any apparatus for removal, the vehicle shall be disconnected from such apparatus and such registered owner or other person in control of such vehicle shall be allowed to remove the vehicle from the premises without interference upon payment of a reasonable service fee of not more than one-half of the charge allowed for removal as provided in Administrative Code Section 19-169.1, subdivision (g), for which a receipt shall be given.*

***ADDITIONAL DATA (continued)***

*The Local Law does not apply to law enforcement, firefighting, rescue squad, ambulance, or other emergency vehicles which are marked as such but does apply to non-emergency vehicles of any governmental entity identifiable as such.*

*Administrative Code Section 19-169.1 allows the owner of 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.*

*Any person who violates Administrative Code Section 19-169.1 shall be punished as follows: for the first violation, a fine of five hundred dollars; for the second violation within a period of twelve months of the date of the first violation, a fine of one thousand dollars; and for any additional violations within a period of twenty-four months of the date of the first violation, a fine of one thousand dollars.*

*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)*<br>*Vehicles Stolen and Recovered Within New York City (P.G. 218-14)*<br>*Rotation Tow (P.G. 218-21)* |
| ***FORMS AND REPORTS*** | ***PROPERTY CLERK INVOICE WORKSHEET (PD521-141A)***<br>***REPORT OF VIOLATION (PD672-151)***<br>***ROTATION TOWING LOG (PD571-1412)*** |

NYPD

| Section: Quality Of Life Matters | | Procedure No: 214-15 | |
|---|---|---|---|
| **ANONYMOUS CONTROLLED SUBSTANCE PROGRAM** | | | |
| DATE ISSUED: 08/01/13 | DATE EFFECTIVE: 08/01/13 | REVISION NUMBER: | PAGE: 1 of 2 |

**PURPOSE** To assist parents/guardians in determining if substance found or suspected to be under the control of their children is in fact a controlled substance.

***NOTE*** *Persons using this program shall remain anonymous and NO criminal charges or investigation will be instituted against them unless it is evident the program is being used to circumvent the law.*

**PROCEDURE** When a person indicates a desire to participate in the program:

**MEMBER OF THE SERVICE**

1. Direct person to call local precinct and comply with directions of desk officer.

**DESK OFFICER**

2. Ascertain from caller the amount of suspected controlled substance involved.
3. Give caller code phrase consisting of:
   a. Precinct designation AND
   b. Any letter of alphabet AND
   c. A randomly selected three digit number, e.g., 23-B-567.
4. Instruct caller to record and carry the code phrase on his person while enroute to command.

***NOTE*** *The purpose of the code phrase is to protect caller who may become the subject of a search while enroute to the command.*

5. Inform person the code phrase will expire in one hour:
   a. Investigate circumstances if one hour deadline is exceeded
   b. Continue processing if delay is beyond control of person.
6. Immediately dispatch RMP to location agreed upon by caller and transport caller to command, if there is reason to believe a felony amount of controlled substance is involved.
7. Make appropriate entries in Command Log indicating the following information:

| CODE PHRASE | TIME/DATE | LOCATION | SECTOR ASSIGNED | VOUCHER NUMBER | DESK OFFICER |
|---|---|---|---|---|---|
| | | | | | |

| ANALYSIS | ENTERED BY | DATE PERSON CALLED | REFERRED | REMARKS | DESK OFFICER |
|---|---|---|---|---|---|
| | | | | | |

8. Have the following forms prepared:
   a. **ANONYMOUS NARCOTICS RECEIPT (PD521-012)**
   b. **PROPERTY CLERK INVOICE (PD521-141)**.
9. Instruct person to retain copy of **ANONYMOUS NARCOTICS RECEIPT** and call command after seven working days to obtain analysis results by identifying self with the code phrase.
   a. Duplicate copy of receipt will be filed in Property Receipt Book.

**COMMANDING OFFICER, POLICE LABORATORY**

10. Forward completed analysis findings to commanding officer, command concerned.

**COMMANDING OFFICER, COMMAND CONCERNED**

11. Have results of analysis (positive or negative) entered in Command Log, in margin next to original entry.

**DESK OFFICER**

12. Give results of analysis (positive or negative reply ONLY) when person calls with appropriate code phrase.
13. Advise person to contact family physician or appropriate social service agency for referral to treatment program if results are positive.
14. Ask person if he/she wishes to cooperate in investigating source of controlled substance while still maintaining anonymity.
    a. Obtain as much information as possible, if person cooperates and comply with *P.G. 212-12, "Citywide Intelligence Reporting System"*.

***ADDITIONAL DATA***

*If an individual is being searched in an unrelated arrest, etc., and a controlled substance is discovered and such person claims to be participating in the Anonymous Controlled Substance Analysis Program, the searching officer will take the person to the precinct of occurrence and verify the person's participation by contacting the precinct which issued the code phrase. An arrest will be made for possession of a controlled substance if person's participation cannot be verified. If the individual is participating in the program and the precinct of occurrence is not the command that issued the code phrase, the desk officer will notify the issuing command to cancel the code phrase. The desk officer, precinct of occurrence, will then issue a new code phrase and process the controlled substance as outlined in this procedure.*

***RELATED PROCEDURES***

*Processing Controlled Substances/Marijuana Contraband Stored at Stationhouse (P.G. 218-24)*
*Processing Controlled Substances/Marijuana Contraband Not Stored at Stationhouse (P.G. 218-25)*
*Delivery of Evidence to the Police Laboratory (P.G. 218-04)*
*Removal and Return of Evidence to Property Clerk Division (P.G. 218-07)*
*Citywide Intelligence Reporting System (P.G. 212-12)*

***FORMS AND REPORTS***

***ANONYMOUS NARCOTICS RECEIPT (PD521-012)***
***PROPERTY CLERK INVOICE (PD521-141)***

# PATROL GUIDE

| Section: Quality Of Life Matters | | Procedure No: 214-16 | |
|---|---|---|---|
| **CONSTRUCTION SITES** | | | |
| DATE ISSUED: 07/01/20 | DATE EFFECTIVE: 07/01/20 | REVISION NUMBER: | PAGE: 1 of 1 |

**PURPOSE** To protect pedestrian and vehicular traffic in the vicinity of construction sites.

**DEFINITION** CONSTRUCTION SITE - Any construction, alteration, demolition, street opening, paving or related matter for which a permit from a city department is required.

**PROCEDURE** Upon becoming aware of a condition endangering safety or impeding vehicular traffic:

**UNIFORMED MEMBER OF THE SERVICE**

1. Request supervisor on patrol to respond.

**PATROL SUPERVISOR**

2. Investigate and determine action to be taken.
3. Direct referral to department concerned if pedestrian or traffic safety not involved.
4. Verify that referrals and/or notifications are recorded in **HIGHWAY CONDITION RECORD (PD311-151)**.
5. Direct preparation of **ADMINISTRATIVE CODE VIOLATION NOTICE (PD372-151)** if arrest or summary action is taken.

**UNIFORMED MEMBER OF THE SERVICE**

6. Make digital **Activity Log** and other necessary entries.

***ADDITIONAL DATA***

*Members of the service shall NOT enforce violations of the Administrative Code for which only a civil penalty may be imposed. If requested, members of the service will assist representatives of other City departments on official business at construction sites only so far as security to the representative's person is concerned.*

*In an emergency situation at a construction site during non-working hours, take necessary action and notify the telephone switchboard operator by telephone for notification to departments concerned. If necessary, the Communications Section may be notified by radio. The Communications Section will notify departments concerned and in addition, the telephone switchboard operator of precinct of occurrence.*

***FORMS AND REPORTS***

***ADMINISTRATIVE CODE VIOLATION NOTICE (PD372-151)***
***HIGHWAY CONDITION RECORD (PD311-151)***

# PATROL GUIDE

| Section: Quality Of Life Matters | | Procedure No: 214-17 | |
|---|---|---|---|
| **VACANT BUILDINGS** | | | |
| DATE ISSUED: 07/01/20 | DATE EFFECTIVE: 07/01/20 | REVISION NUMBER: | PAGE: 1 of 1 |

**PURPOSE** To inform the Department of Buildings of recently vacated buildings and unsecured hazardous vacant buildings.

**PROCEDURE** Upon observing a vacated building, while on patrol:

**UNIFORMED MEMBER OF THE SERVICE**

1. Examine building to determine if it is properly secured.
2. Notify supervisor on patrol if hazard exists.
3. Make digital **Activity Log** entry.
4. Report the facts to the member on telephone switchboard duty if not previously reported or if the building presents a substantial hazard.

**PATROL SUPERVISOR**

5. Respond to location and determine degree of hazard.
6. Direct placement of barriers and assignment of officers if necessary.
7. Call Emergency Service Unit, if required.

**TELEPHONE SWITCHBOARD OPERATOR**

8. Enter information on **HIGHWAY CONDITION RECORD (PD311-151)**.
9. Telephone information to Department of Buildings and complete entries on **HIGHWAY CONDITION RECORD**.

**COMMANDING OFFICER**

10. Review vacant house list and **HIGHWAY CONDITION RECORD** periodically, noting locations and hazardous vacant buildings added since previous review.

***FORMS AND REPORTS*** ***HIGHWAY CONDITION RECORD (PD311-151)***

NYPD

| Section: Quality Of Life Matters | | Procedure No: 214-18 | |
|---|---|---|---|
| **STOP WORK ORDERS** | | | |
| DATE ISSUED: 07/01/20 | DATE EFFECTIVE: 07/01/20 | REVISION NUMBER: | PAGE: 1 of 1 |

**PURPOSE** To assist the Department of Buildings in enforcing stop work orders at construction or renovation sites.

**PROCEDURE** When notified by a Department of Buildings representative that a stop work order has been issued or a previously issued stop work order is being violated:

**DESK OFFICER**

1. Direct a uniformed member of the service to respond to the location and meet the Department of Buildings representative.

**UNIFORMED MEMBER OF THE SERVICE**

2. Assist representative in enforcing the stop work order and preserve the peace while representative serves "Request to Appear" notice (formerly known as court summons), if necessary.
3. Enter in digital **Activity Log** facts including name of Department of Buildings representative.

NYPD

# PATROL GUIDE

| Section: Quality Of Life Matters | | Procedure No: 214-19 | |
|---|---|---|---|
| **USING CHAINS AND PADLOCKS TO SECURE COMMERCIAL PREMISES** | | | |
| DATE ISSUED: 08/01/13 | DATE EFFECTIVE: 08/01/13 | REVISION NUMBER: | PAGE: 1 of 1 |

**PURPOSE** To maintain the availability of uniformed personnel by securing commercial premises with padlocks and chains, when necessary.

**PROCEDURE** When a uniformed member of the service observes, becomes aware of, or receives a call of a front break at a commercial premise:

**UNIFORMED MEMBER OF THE SERVICE**

1. Respond to scene and evaluate condition.
2. Request patrol supervisor to respond.

**PATROL SUPERVISOR**

3. Determine if premise can be secured by installing padlock and chain.

***NOTE*** *Patrol supervisor should consider the number of breaks, location of breaks and whether there is a security gate for securing breaks to glass, e.g., glass doors, windows, etc.*

4. Request response of Emergency Service Unit when it is determined that premise can be secured with padlock and chain.
5. Direct owner be notified that premise is being secured with padlock and chain.

**EMERGENCY SERVICE UNIT**

6. Respond to scene and secure premise with padlock and chain.
7. Attach **NOTIFICATION TO OWNER (MISC. 3930)** to either the chain and/or lock.
8. Deliver padlock key to desk officer, precinct of occurrence after padlock and chain are installed.

**DESK OFFICER**

9. Make entry in Command Log indicating presence of Emergency Service Unit with padlock key and safeguard key in stationhouse.
10. Deliver key to premise to assigned member and direct padlock and chain be removed from premise when owner present and notified.
11. Notify the appropriate Emergency Service Unit squad when the padlock, chain and key are ready to be picked up.

***FORMS AND REPORTS*** ***NOTIFICATION TO OWNER (MISC. 3930)***

| Section: Quality Of Life Matters | Procedure No: 214-20 |
|---|---|

# REPAIR OF ENTRANCES DAMAGED DURING FORCED WARRANT ENTRY INTO WRONG PREMISES OR DURING AN ENTRY MADE DURING EXIGENT OR OTHER UNUSUAL CIRCUMSTANCES

| DATE ISSUED: | DATE EFFECTIVE: | REVISION NUMBER: | PAGE: |
|---|---|---|---|
| 08/19/13 | 08/19/13 | | 1 of 2 |

**PURPOSE**

To repair, at an owner/tenant's request, property damaged during the course of the execution of an arrest or search warrant, or during an entry made under exigent or other unusual circumstances, when the wrong premise is entered.

**SCOPE**

As a result of drug and fugitive initiatives, the Department executes many search and arrest warrants, citywide. Occasionally, due to bad information, lack of address numbering, or other errors, uniformed members of the service force entry into the wrong premise. When this occurs and it is clear that the Department has erroneously caused damage to property, there is an obligation to make appropriate repairs, as soon as possible.

**PROCEDURE**

When a uniformed member of the service executes an arrest or search warrant or forcibly enters a wrong premise under exigent or other unusual circumstances and damages a door, lock or other material, and that specific damage should not have occurred or, it is in the best interests of the Department to repair or replace such damage immediately:

**SUPERVISOR CONCERNED**

1. Ascertain from owner/tenant of damaged property if owner/tenant:
   a. Prefers to make arrangements for repairs, **or**,
   b. Requests that the Department make immediate repairs.
2. Notify the precinct commander/duty captain if immediate repairs are requested.
3. Direct a uniformed member of the service to prepare **ACCIDENT REPORT - CITY INVOLVED (PD301-155)** and comply with the provisions of *P.G. 217-04, "Accidents and Collisions - City Involved."*

**COMMANDING OFFICER/ DUTY CAPTAIN**

4. Confer with the supervisor on the scene and determine the following:
   a. Assessment of the damage caused by the actions of the uniformed member(s) of the service.
   b. Need for involvement of Department personnel in the repair/replacement of materials.
5. Ensure that supervisor on scene is complying with provisions of *P.G. 217-04, "Accidents and Collisions - City Involved"*, and has informed owner of property of procedure to file claim against the City, if immediate involvement of police personnel is **not** needed.
6. Notify Operations Unit and request assistance of Building Maintenance Section personnel if circumstances require immediate repairs.
   a. Include in notification:
      (1) Description of damage to be repaired, and
      (2) Whether a Department locksmith, glazier or carpenter will be required.

**OPERATIONS UNIT**

7. Notify the Commanding Officer, Building Maintenance Section of the request for assistance.

**COMMANDING OFFICER BUILDING MAINTENANCE SECTION**

8. Confer with the precinct commander/duty captain.
9. Determine if Building Maintenance Section personnel should respond to the scene.
10. Advise supervisor on scene to request desk officer, precinct of occurrence/police service area, to assign precinct/police service area uniformed member of the service, if not already present, to safeguard scene.

***NOTE*** *If the damaged premises are within a New York City Housing Authority development, repairs will be performed by New York City Housing Authority maintenance staff. The local management office concerned, or Housing Authority Emergency Service Office will be notified by the PSA supervisor concerned, if available.*

**DESK OFFICER**

11. Assign uniformed member(s) of the service to location until Building Maintenance Section or New York City Housing Authority personnel, if appropriate, complete assignment.

***NOTE*** *A uniformed member of the service from the precinct of occurrence or police service area concerned will be assigned to secure the location as soon as possible after the forced entry was made. The uniformed member of the service will remain at the location until Building Maintenance Section (who may be civilian members of the service) or Housing Authority personnel make the repairs and secure the location.*

**COMMANDING OFFICER BUILDING MAINTENANCE SECTION**

12. Notify Operations Unit and desk officer, precinct of occurrence, when repairs/replacements are completed.
13. Report on a quarterly basis, through channels, to the Deputy Commissioner, Management and Budget, the cost to make repairs in connection with this procedure.

***RELATED PROCEDURE*** *Accidents and Collisions - City Involved (P.G. 217-04)*

***FORMS AND REPORTS*** ***ACCIDENT REPORT-CITY INVOLVED (PD301-155)***

NYPD

# PATROL GUIDE

| Section: Quality Of Life Matters | | Procedure No: 214-21 | |
|---|---|---|---|
| **PROJECT SAFE - ESCORTS FOR SAFE HORIZON CLIENTS AND LOCKSMITHS** | | | |
| DATE ISSUED: 08/01/13 | DATE EFFECTIVE: 08/01/13 | REVISION NUMBER: | PAGE: 1 of 1 |

**PURPOSE** To prevent assaults and other criminal acts against Safe Horizon clients and authorized locksmiths (Project SAFE).

**SCOPE** PROJECT SAFE is a program administered by Safe Horizon that provides lock replacements and counseling to victims of domestic violence and other crimes. This Department will assist in this endeavor by providing a police escort.

**PROCEDURE** When a request is received from Safe Horizon to escort a client and authorized locksmith:

**DESK OFFICER**

1. Record notification from Safe Horizon in Telephone Record.

***NOTE*** *Safe Horizon will telephone in advance to notify desk officer of the pending arrival of the locksmith and client.*

2. Identify the client and locksmith, when they arrive at the precinct.

***NOTE*** *Safe Horizon policy is to ensure that domestic violence victims still cohabiting with the batterer must have an exclusionary Order of Protection in order to have their locks changed. Desk officers will ensure that this policy is enforced.*

3. Assign the precinct crime prevention officer or the precinct domestic violence officer to escort the client and locksmith, if time permits.
4. Assign a uniformed member of the service to provide the escort, if the crime prevention officer or the domestic violence officer is not available.

**UNIFORMED MEMBER OF THE SERVICE**

5. Escort identified client and locksmith to location and notify radio dispatcher.
6. Have client ride in Department vehicle to the location, if necessary.
7. Remain at location until locksmith has completed the work.
8. Escort locksmith from premises.
9. Notify radio dispatcher that escort is completed.
10. Report completion of assignment to desk officer.

| Section: Quality Of Life Matters | | Procedure No: 214-22 | |
|---|---|---|---|
| **WEEKLY STREET CONDITIONS SURVEY & DAILY OBSERVATIONS OF HIGHWAY CONDITIONS REQUIRING CORRECTIVE ACTION** | | | |
| DATE ISSUED: 07/01/20 | DATE EFFECTIVE: 07/01/20 | REVISION NUMBER: | PAGE: 1 of 4 |

**PURPOSE** To notify agencies concerned of Highway/Community conditions under their jurisdiction which require corrective action.

**DEFINITION** WEEKLY STREET CONDITIONS SURVEY - a survey of street conditions conducted by radio motor patrol units on the second platoon, each Sunday, and reported on **WEEKLY STREET CONDITIONS SURVEY REPORT (PD311-150)**.

**PROCEDURE** Upon making daily observations or receiving information regarding highway/community conditions requiring correction:

**UNIFORMED MEMBER OF THE SERVICE**

1. Take corrective action, if possible, and make digital **Activity Log** entry of condition and location.
2. Notify telephone switchboard operator for entry on **HIGHWAY CONDITION RECORD PD311-151)**.

**TELEPHONE SWITCHBOARD OPERATOR**

3. Notify agency/member concerned as outlined in step 7 and complete entries on **HIGHWAY CONDITION RECORD**.

WEEKLY STREET CONDITIONS SURVEY REPORT

**SUPERVISOR, SECOND PLATOON, SUNDAY**

4. Direct members assigned to radio motor patrol units to conduct a survey of sector on second platoon, each Sunday, and prepare **WEEKLY STREET CONDITIONS SURVEY REPORT** in duplicate.

**MEMBER ASSIGNED TO RMP UNIT**

5. Submit completed **WEEKLY STREET CONDITIONS SURVEY REPORT** to desk officer.

**DESK OFFICER**

6. Review **WEEKLY STREET CONDITIONS SURVEY REPORTS** and:
   a. Make immediate notification to agencies concerned for serious emergencies.
   b. Forward **WEEKLY STREET CONDITIONS SURVEY REPORTS** to precinct operations coordinator.

**OPERATIONS COORDINATOR**

7. Ensure that each Monday the **WEEKLY STREET CONDITIONS SURVEY REPORTS** are reviewed and the following agencies/members are notified:

| CONDITION | AGENCY |
|---|---|
| • **Inoperative/damaged signal light** | ➢ **NYC Dept. of Transportation** |
| • **Inoperative/damaged street light** | ➢ **NYC Dept. of Citywide Administrative Services** |

| CONDITION | AGENCY |
|---|---|
| • **Defective/damaged roadway surface** | ➢ **NYC Dept. of Transportation** |
| • **Inoperative/damaged parking meters [note meter number]** | ➢ **NYC Dept. of Transportation** |
| • **Manhole covers** | ➢ **Note identifying initials and notify agency/utility** |
| • **Recently vacated/unsecured hazardous building** | ➢ **NYC Dept. of Buildings** |
| • **Obstruction of traffic control device [E.g., tree, sign, etc.]** | ➢ **NYC Dept. of Transportation**<br>**Note: Commanding officer will have report prepared requesting correction of condition and forwarded to Commanding Officer, Traffic Management Center** |
| • **Obstruction on roadway** | ➢ **NYC Dept. of Transportation (Bureau of Highway Operations),**<br>**NYC Dept. of Sanitation** |
| • **Dumpster** | ➢ **Refer non-emergency conditions to local district office, Dept. of Sanitation** |
| • **Dead animal on street** | ➢ **Dept. of Sanitation** |
| • **Flooding, streets, limited access highways. Clogged sewers or street drains. Leaking/broken hydrants or drains** | ➢ **NYC Dept. of Environmental Protection** |
| • **Derelict auto** | ➢ **Local district office, Department of Sanitation** |
| • **Missing/damaged traffic control devices [other than signal lights]** | ➢ **Precinct Traffic Safety Officer/designated alternate** |

**TRAFFIC SAFETY OFFICER/ DESIGNATED ALTERNATE**

8. Have entries completed on **WEEKLY STREET CONDITIONS SURVEY REPORT** and:
   a. Forward original copy of **WEEKLY STREET CONDITIONS SURVEY REPORT** to telephone switchboard operator to be maintained chronologically in folder similar to that used to maintain **HIGHWAY CONDITION RECORD**.
   b. File duplicate copy.
9. Inspect **HIGHWAY CONDITION RECORD** and **WEEKLY STREET CONDITIONS SURVEY REPORT** to determine if missing/damaged traffic control devices (other than signal lights) have been reported.
10. Prepare **MISSING TRAFFIC CONTROL DEVICE (PD620-150)** and:
   a. Forward two copies of the form directly to appropriate Department of Transportation/Borough Engineer as follows:

**TRAFFIC SAFETY OFFICER/ DESIGNATED ALTERNATE (continued)**

| BOROUGH | ADDRESS |
|---|---|
| *Manhattan* | 51 Chambers Street<br>New York, NY 10007 |
| *Brooklyn* | 56 Court Street<br>Brooklyn, NY 11201 |
| *Bronx* | 215 E. 161st Street<br>Bronx, NY 10452 |
| *Queens* | 120-55 Queens Boulevard<br>Queens, NY 11424 |
| *Staten Island* | Boro Hall, Room 303<br>Staten Island, NY 10309 |

b. File pink copy of form in command.

***NOTE*** *Upon completion of required work, the borough engineer concerned will return a copy of the form which will be attached to, and filed with, the related pink copy.*

**DESK OFFICER, SECOND PLATOON, MONDAY**

11. Review **HIGHWAY CONDITION RECORD and WEEKLY STREET CONDITION REPORT** (original copy) for completeness, sign and file.

***ADDITIONAL DATA***

*Uniformed members of the service observing or being informed of conditions which may adversely affect the community and for which no specific referral is available, will make a digital **Activity Log** entry describing the condition and obtain the complainant's name, address and telephone number.*

*The telephone switchboard operator will be notified and entries made on the **HIGHWAY CONDITION RECORD** of the following:*

*a. Condition*
*b. Identity of complaint*
*c. Rank, name and command of reporting officer.*

*The precinct community affairs officer shall examine the **HIGHWAY CONDITION RECORD/WEEKLY STREET CONDITIONS SURVEY REPORT** and confer with complainants and agencies concerned, where appropriate. Member concerned will keep the precinct commander informed, and if the condition cannot be resolved, the precinct commander shall submit a report on **Typed Letterhead** to the Chief of Department describing the condition and action taken. The Chief of Department will, when appropriate, forward a copy of the report to the agency concerned for further necessary attention.*

***ADDITIONAL DATA (continued)***

*Patrol borough commands will summarize and consolidate each category of the precinct* ***WEEKLY STREET CONDITIONS SURVEY REPORTS*** *and submit results to the Office of Chief of Patrol on a monthly basis. The Office of Chief of Patrol will consolidate the reports received from the borough commands and forward a consolidated report to the Office of the Police Commissioner (through channels).*

***RELATED PROCEDURES***

*Construction Sites (P.G. 214-16)*
*Vacant Buildings (P.G. 214-17)*

***FORMS AND REPORTS***

***HIGHWAY CONDITION RECORD PD311-151)***
***WEEKLY STREET CONDITIONS SURVEY REPORT (PD311-150)***

NYPD

**PURPOSE** To preserve a high quality of life and enforce provisions of the New York City Administrative Code prohibiting unreasonable noise.

**DEFINITIONS** UNREASONABLE NOISE - Any excessive or unusually loud sound that disturbs the peace, comfort or repose of a reasonable person of normal sensitivities, or injures or endangers the health or safety of a reasonable person of normal sensitivities, or damages property or business.

SOUND REPRODUCTION DEVICE - A device intended primarily for the reproduction of sound, including, but not limited to, a radio or other apparatus used for the amplification of sound.

PRIVATE PREMISES - A premises that has closed doors, locked gates, or invitation-only entry indicates that only invited guests are permitted entry and that the owner and/or residents of the premises have an expectation of privacy. In these cases, uniformed members of the service may NOT enter without a warrant unless consent is obtained or an exigency exists.

PREMISES OPEN TO THE PUBLIC - Owners of property open to the public have a diminished expectation of privacy. Uniformed members of the service may enter a fenced in backyard/driveway if it is clearly open to the public. Advertisements inviting the general public, an open, unmanned gate and the free flow of people coming and going from the property are indications that it is open to the public.

ABANDONED PROPERTIES - There is no reasonable expectation of privacy in vacant lots or abandoned warehouses and warrantless entry is permissible.

**PROCEDURE** When a uniformed member of the service hears, observes, or receives a complaint of unreasonable noise:

**UNIFORMED MEMBER OF THE SERVICE**

1. Interview all complainants/violators about noise.
2. Determine if the noise is unreasonable.

***NOTE*** *To determine whether the noise is unreasonable, consider whether a reasonable person would be disturbed by the noise. In making this assessment, the following factors should be considered:*

*a. Time of day;*
*b. Character of the neighborhood or area, (e.g., residential, commercial);*
*c. Ordinary noise level of the area, (e.g., busy Manhattan streets);*
*d. Number of persons complaining about the noise; and,*
*e. Whether the person responsible for the noise has been asked by others to cease or lower the sound level and has refused to do so.*

***NOTE (continued)***

*Warrantless entry into a private premises is **NOT** authorized solely for the purpose of abating a noise condition, or seizing a sound reproduction device.*

*Uniformed members of the service must have consent to enter or an exigent circumstance.*

*Noise alone is **NOT** such an exigency.*

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

3. Attempt to correct the condition by warning violator.
4. If unable to correct condition and violator is eligible, issue summons as follows:
   a. If sound reproduction device involved:
      (1) Serve Criminal Court summons for violation of Administrative Code Section 24-244(a)
      (2) If able to lawfully access device, seize device for evidentiary purposes.
   b. If no sound reproduction device involved or seized:
      (1) Serve Civil Summons Returnable to the Office of Administrative Trials and Hearings (OATH) for violation of Administrative Code Section 24-218(a) (see *P.G. 209-12, "Personal Service of Civil Summons Returnable to the Office of Administrative Trials and Hearings [OATH] - General Procedure - Non-CJRA Offenses."*)
   c. If the violation is not personally observed, issue a Civil Summons Returnable to OATH.

***NOTE***

*If violator is a juvenile at least 7 but less than 18 years of age, a **JUVENILE REPORT SYSTEM WORKSHEET (PD377-159A)** shall be completed instead of a summons, and the sound reproduction device **will NOT** be seized.*

*In limited circumstances involving violators 18 years of age or older, it may be appropriate to seize an unamplified device (e.g., acoustic instrument, etc.). In that circumstance, a Criminal Court Summons should be issued.*

5. If a sound reproduction device or an unamplified device is seized:
   a. Enter in the narrative portion of Criminal Court Summons:
      (1) Circumstances that make the sound unreasonable
      (2) Number of people who complained of the noise
      (3) Refusals to comply by respondent
      (4) Distance the noise could be heard (e.g., from 100 ft. away)
      (5) Description of the sound reproduction device (e.g., radio, bullhorn, wall of speakers, etc.), if appropriate.
   b. Prepare **PROPERTY CLERK INVOICE (PD521-141)** for a seized sound reproduction device and check "EVIDENCE" box.
      (1) Give appropriate copy of **INVOICE** to person from whom the device was seized as a receipt.

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

(2) Mark the volume control on the device, without causing damage to it, to demonstrate that volume level at which the device was being operated at the time of the offense.

(3) If it is impractical to seize the sound reproduction device, attempt to seize a portion of the device that renders it inoperable, such as a power cable.

(4) Photograph the entire sound reproduction device for evidentiary purposes.

(5) Voucher the photograph as evidence.

c. Inform violator that seized property may be reclaimed at precinct of occurrence, or at Property Clerk's Office.

6. Make digital **Activity Log** entry and include the following:
   a. Name and address of complainants/violators
   b. Number of calls and/or people complaining, if known
      (1) ICAD Incident number(s)
   c. Circumstances that make the sound unreasonable
   d. Refusals to comply by respondent
   e. Distance the noise could be heard
   f. If incident involved a sound reproduction device or unamplified device, include description of device (e.g., radio, bullhorn, speakers, etc.).

7. If unable to correct the condition, or additional resources are required, notify the patrol supervisor/lieutenant platoon commander.

**PATROL SUPERVISOR/ LIEUTENANT PLATOON COMMANDER**

8. Assess the situation and attempt to correct the condition.

9. Notify commanding officer/duty captain if unable to correct the condition, and/or warrantless entry may be required and it is unclear if the premises are:
   a. Private,
   b. Open to the public,
   c. Abandoned, or
   d. Whether an exigency exists.

**COMMANDING OFFICER/ DUTY CAPTAIN**

10. Determine whether a warrantless entry is permissible based on type of premise:
    a. Private,
    b. Open to the Public,
    c. Abandoned Property.

11. Request the response of other Department resources (e.g., Strategic Response Group, Vice Enforcement Division, Detective Bureau, etc.), as appropriate.

12. Determine if exigent circumstances exist that would authorize a warrantless entry such as:
    a. Dangerous overcrowding condition (request response of FDNY)
    b. Minors who appear intoxicated (e.g., vomiting, unsteady on their feet, etc.)

**COMMANDING OFFICER/ DUTY CAPTAIN (continued)**

c. Intoxicated persons who appear to be incapacitated or otherwise in need of immediate medical attention
d. Presence of weapons or physical violence
e. Reliable information that violent behavior by known criminals is imminent
f. Allegations of sexual assaults occurring
g. Any other dangerous condition (e.g., detonation of fireworks, open fires, etc.).

13. Evaluate the situation to determine if other violations exist at the locations.
    a. The following list of laws and violations, while not inclusive, should be considered:
        (1) Unlicensed Sale of Alcohol, Alcohol Beverage Control Law (ABC) 100(1)
        (2) Sale of Alcohol to Persons Under 21, ABC 65(1)
        (3) Procuring Alcohol for Persons Under 21, ABC 65-a
        (4) Possession of Alcohol by Persons Under 21, ABC 65-c(1)
        (5) Unlicensed Bottle Club, ABC 64-b(1)
        (6) Unlicensed Warehousing of Alcohol, ABC 96(1)(a)
        (7) Unlawfully Dealing with a Child in the 1st Degree, NYS Penal Law (PL) 260.20 and 2nd Degree, NYS PL 260.21 (1)
        (8) Endangering the Welfare of a Child, NYS PL 260.10
        (9) Employment of or acting as an unlicensed security guard, General Business Law, 89-p.
14. Contact the Legal Bureau direct, Monday to Friday, 0700 to 2300 hours, and through the Operations Unit at other times, to address any questions regarding the legality of warrantless entry into a premises.
15. If unable to gain entry to correct the condition, direct uniformed members of the service to respond to the location the following day and issue summonses to person responsible for the premises, as follows:
    a. Civil Summons Returnable to the Office of Administrative Trials and Hearings (OATH) for violation of Administrative Code Section 24-218(a), (see *P.G. 209-12, "Personal Service of Civil Summons Returnable to the Office of Administrative Trials and Hearings [OATH] - General Procedure - Non-CJRA Offenses."*)

**COMMANDING OFFICER**

16. Address chronic locations that may require a more comprehensive approach by:
    a. Contacting the Legal Bureau, Civil Enforcement Unit, to initiate further remedies under the Nuisance Abatement Law of the New York City Administrative Code.
    b. Coordinating a Multi-Agency Response to Community Hotspots (M.A.R.C.H.) Operation at chronic commercial locations.
        (1) Refer to *P. G. 214-39, "Criteria for Selecting a Location for Inclusion in a Multi-Agency Response to Community Hotspots (M.A.R.C.H.) Operation."*

***ADDITIONAL DATA***

*Uniformed members of the service equipped with a Body-Worn Camera (BWC) are reminded that the activation, and use, of a BWC is mandatory during enforcement situations (e.g., arrests, issuance of summons returnable to Criminal Court or to the Office of Administrative Trials and Hearings, etc.).*

*BWCs may also be activated during a non-enforcement situation at the members own discretion, as long as the activation is not prohibited (e.g., performance of administrative duties or non-enforcement functions, routine activities within Department facilities, etc.). For a complete list of mandatory and prohibited BWC uses, uniformed members of the service should refer to P.G. 212-123, "Use of Body-Worn Cameras."*

*Additionally, uniformed members of the service are also permitted, but are not required, to use Department smartphones/tablets to photograph and/or video record these situations. Uniformed members of the service should be aware that the recording/photographing of these situations may help to provide overall context to the enforcement encounter (e.g., that the location was open to the public, a bouncer was allowing the public entry, the noise could be heard from a distance, etc.). Subject to tactical and safety considerations, as well as overall situational awareness, uniformed members of the service are permitted, but are not required, to use Department smartphones/tablets to photograph or video record these situations.*

***RELATED PROCEDURES***

*Civil Summons Returnable to the Office of Administrative Trials and Hearings (OATH) - Criminal Justice Reform Act (CJRA) (P.G. 209-03)*
*Personal Service of Civil Summons Returnable to the Office of Administrative Trials and Hearings (OATH) - General Procedure - Non-CJRA Offenses (P.G. 209-12)*
*Civil Summons Returnable to the Office of Administrative Trials and Hearings (OATH) - Graphic (P.G. 209-14)*
*Use of Body-Worn Cameras (P.G. 212-123)*
*Police Action in Premises (Licensed or Unlicensed) Where Alcoholic Beverages are Sold (P.G. 214-34)*
*Criteria for Selecting a Location for Inclusion in a Multi-Agency Response to Community Hotspots (M.A.R.C.H.) Operation (P.G. 214-39)*
*Department Mobile Digital Devices (P.G. 219-32)*

***FORMS AND REPORTS***

***JUVENILE REPORT SYSTEM WORKSHEET (PD377-159A)***
***PROPERTY CLERK INVOICE (PD521-141)***

CANCELLED

| Section: Quality Of Life Matters | | Procedure No: 214-24 | |
|---|---|---|---|
| **SERVICE OF CIVIL SUMMONS RETURNABLE TO THE OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS (OATH) FOR VEHICLE ALARMS** | | | |
| DATE ISSUED: 07/01/20 | DATE EFFECTIVE: 07/01/20 | REVISION NUMBER: | PAGE: 1 of 3 |

**PURPOSE** To take enforcement action when an audible vehicle alarm is activated and does not cease to sound within three minutes or when an audible status indicator is operated on a vehicle.

**DEFINITION** AUDIBLE STATUS INDICATOR - For the purpose of this procedure, any sound reproduction device on a motor vehicle that emits or causes to be emitted any continuous or near continuous sound for the purpose of warning that an audible burglar alarm has been installed on such motor vehicle and is operational or for creating the appearance that such an alarm has been installed on such motor vehicle and is operational.

**PROCEDURE** When a uniformed member of the service is notified or becomes aware that an audible vehicle alarm has been activated or audible status indicator has been activated and the vehicle is parked on a public highway or in a parking lot open to the public:

**UNIFORMED MEMBER OF THE SERVICE**

1. Make entry in digital **Activity Log** of time when the member first observed the audible alarm.
2. Comply with the provisions of *P.G. 214-25, "Deactivation of Motor Vehicle Alarms."*

IF AUDIBLE STATUS INDICATOR IS OPERATED ON THE VEHICLE OR IF ALARM IS STILL AUDIBLE AFTER THREE MINUTES:

**UNIFORMED MEMBER OF THE SERVICE**

3. Take all reasonable steps to disconnect the alarm or indicator without damaging the vehicle.
4. Prepare a Civil Summons Returnable to the Office of Administrative Trials and Hearings (OATH) for violation of Administrative Code Section 24-238(a) Improper Audible Burglar Alarm with No Automatic Termination:
   a. Enter the three-digit OATH Violation Code "N68" in the field labeled, "OATH Code"
   b. Check the box for "Admin. Code" and, in the field labeled "Section/Rule," write "24-238(a)"
   c. In the field labeled "Mail-In Penalty," write $280 and in the field labeled "Max. Penalty," write $2100, or,

   for violation of Administrative Code Section 24-238(b) Audible Status Indicator on Motor Vehicle in Operation:
   a. Enter the three-digit OATH Violation Code "N71" in the field labeled, "OATH Code"
   b. Check the box for "Admin. Code" and, in the field labeled "Section/Rule," write "24-238(b)"
   c. In the field labeled "Mail-In Penalty," write $280 and in the field labeled "Max. Penalty," write $2100.

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

5. When entering the "Details of Charges," be guided by the following sample narrative:
   *"At the time and place of occurrence, I observed the audible alarm of the vehicle described above operating continuously in excess of three minutes."*

***NOTE*** *The time of violation entered on the Civil Summons Returnable to OATH summons must correspond with the end of the three minute observation period in the case of an alarm summons. Additionally, a complete description of the vehicle must be indicated on the summons.*

6. Affix the WHITE CARDBOARD (agency) copy of the summons to the vehicle in a conspicuous place.
7. Distribute remaining copies of Civil Summons Returnable to OATH as follows:
   a. WHITE (OATH) copy - To command of occurrence at end of tour, or as directed by commanding officer.
   b. YELLOW (officer) copy - Retained by issuing member
   c. PINK (respondent) copy - Retain with **CERTIFICATION OF MOVING/CRIMINAL COURT SUMMONSES SERVED (PD160-145)**.
8. Place vehicle in Rotation Tow Program, if unable to disconnect the alarm or audible status indicator.

***NOTE*** *Administrative Code Section 24-239 (b) provides that the operator of any motor vehicle on which an audible burglar alarm has been installed shall, when parked on a public highway or in a parking lot open to the public, prominently display the number and telephone number of the owner's local police precinct where information shall be on file to permit communication with the owner of such vehicle. The member of the service concerned should attempt to contact the owner of the vehicle, if the above information is available.*

9. Prepare **PROPERTY CLERK INVOICE WORKSHEET (PD521-141A)**.
   a. Indicate on **WORKSHEET** that the vehicle was towed as a result of a ringing alarm or audible status indicator operation.
10. Have an "Impound" screen entered into the FINEST System.
11. Have a notification made to the owner of the vehicle that the vehicle was towed.

***ADDITIONAL DATA*** *The issuance of a Civil Summons Returnable to OATH is not mandatory in all cases when a motor vehicle alarm is activated. The action of a uniformed member of the service should be based on discretion and/or the direction of a ranking supervisor.*

*If the alarm sounds for less than three minutes, resets and sounds again repeatedly, it shall be deemed as one continuous action and the subject of enforcement.*

*Authorized personnel of the Department of Transportation may request a member of the service to arrange for the removal of such vehicle. When removal of the vehicle is performed pursuant to the Rotation Tow Program for operation of an audible burglar alarm in violation of Administrative Code Section 24-238 (a) or for the operation of an audible status indicator in violation of Section 24-238 (b), the Civil Summons Returnable to OATH shall state that a member of the New York City Police Department took all reasonable and necessary steps to disconnect such alarm or audible status indicator without success.*

| | |
|---|---|
| ***RELATED PROCEDURES*** | *Personal Service of Civil Summons Returnable to the Office of Administrative Trials and Hearings (OATH) – General Procedure – Non-CJRA Offenses (P.G. 209-12)*<br>*Deactivation of Motor Vehicle Alarms (P.G. 214-25)*<br>*Rotation Tow (P.G. 218-21)* |
| ***FORMS AND REPORTS*** | ***CERTIFICATION OF MOVING/CRIMINAL COURT SUMMONSES SERVED (PD160-145)***<br>***PROPERTY CLERK INVOICE WORKSHEET (PD521-141A)*** |

NYPD

| Section: Quality Of Life Matters | | Procedure No: 214-25 | |
|---|---|---|---|
| **DEACTIVATION OF MOTOR VEHICLE ALARMS** | | | |
| DATE ISSUED: 07/01/20 | DATE EFFECTIVE: 07/01/20 | REVISION NUMBER: | PAGE: 1 of 2 |

**PURPOSE** To take corrective action when a vehicle alarm is activated and the owner cannot be located.

**PROCEDURE** When a uniformed member of the service is notified or becomes aware that a motor vehicle alarm has been activated and the owner is not present:

**UNIFORMED MEMBER OF THE SERVICE**

1. Immediately attempt to locate owner of the vehicle.

***NOTE*** *The owner of a vehicle with an anti-theft alarm installed is required to prominently display the telephone number of his local precinct inside the vehicle when parked on a public street, highway, or in a parking lot opened to the public. In addition, each patrol precinct, if notified by an owner of such vehicle, will maintain a Motor Vehicle Alarm File which will list the name, address, telephone number and license plate number of residents who have had anti-theft vehicle alarms installed.*

2. Contact the desk officer of precinct concerned and request owner be notified to immediately disconnect alarm.

**DESK OFFICER**

3. Check the Motor Vehicle Alarm File, when maintained, and notify the owner to immediately deactivate the alarm.

***NOTE*** *Vehicle alarms should automatically deactivate within ten minutes. However, a uniform member of the service may attempt to disconnect the alarm within the first ten minutes. 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 digital **Activity Log** entry of efforts to deactivate alarm and any damage to vehicle which resulted from such efforts.
7. Continue for a reasonable period of time to attempt to notify owner after alarm is deactivated.
   a. Prepare a hand written notification and place under windshield wiper explaining action take, if personal notification is not made.

***ADDITIONAL DATA***

*The issuance of a Civil Summons Returnable to the Office of Administrative Trials and Hearings (OATH) is not mandatory in all cases when an anti-theft device on a motor vehicle is activated. The action of a uniformed member of the service should be based on discretion and/or the direction of a ranking supervisor. A Civil Summons Returnable to OATH, if issued, should be made in conformance with P.G. 214-24, "Service of Civil Summons Returnable to the Office of Administrative Trials and Hearings (OATH) for Vehicle Alarms."*

*Uniformed members of the service are not permitted to deactivate building alarms but may issue a summons if the alarm does not deactivate within fifteen minutes.*

***RELATED PROCEDURES***

*Service of Civil Summons Returnable to the Office of Administrative Trials and Hearings (OATH) for Vehicle Alarms (P.G. 214-24)*
*Chronic Abuser Alarm Procedures (P.G. 214-08)*

NYPD

| Section: Quality Of Life Matters | | Procedure No: 214-26 | |
|---|---|---|---|
| **SNOW EMERGENCY REGULATIONS** | | | |
| DATE ISSUED: 08/01/13 | DATE EFFECTIVE: 08/01/13 | REVISION NUMBER: | PAGE: 1 of 1 |

**PURPOSE** To assist in snow removal operations and expedite the movement of traffic on major thoroughfares during a declared snow emergency.

**PROCEDURE** When a FINEST message is transmitted announcing that the Commissioner of the Department of Transportation has declared a snow emergency:

**DESK OFFICER**

1. Notify members of the service performing patrol duty.
2. Issue instructions necessitated by precinct conditions.

**UNIFORMED MEMBER OF THE SERVICE**

3. Issue summonses for:
   a. Abandoning vehicle or parking illegally on "snow street" or "snow route" [N.Y.C. Traffic Regulations Section 4-12(k)(1)]
   b. Operating vehicle without snow tires or skid chains on "snow street" or "snow route" and vehicle is stuck [N.Y.C. Traffic Regulations Section 4-12(k)(2)].

***NOTE*** *When a vehicle is observed in operation on a snow street or snow route without snow tires or skid chains and the vehicle is not immobilized, warn the operator that a snow emergency is in effect and direct him to leave the snow street or snow route at the nearest exit.*

***ADDITIONAL DATA*** *A uniformed member of the service who issues a summons for violation of snow emergency regulations may be required to testify that the drive, traction or powered wheels were equipped with regular tires without skid chains, or that snow tires were worn or damaged to preclude effective traction.*

NYPD

# PATROL GUIDE

| Section: Quality Of Life Matters | | Procedure No: 214-27 | |
|---|---|---|---|
| **SNOW REMOVAL** | | | |
| DATE ISSUED: 08/01/13 | DATE EFFECTIVE: 08/01/13 | REVISION NUMBER: | PAGE: 1 of 1 |

**PURPOSE** To have snow removed from sidewalks and around fire hydrants after a snowfall.

**PROCEDURE** When snow has stopped falling:

**UNIFORMED MEMBER OF THE SERVICE**

1. Inform householders, storekeepers, etc., of their legal obligation to remove snow and ice from the sidewalk and around fire hydrants.
2. Serve summons for Administrative Code Section 16-123 (a violation), if snow is not removed four hours after the snow stops falling, when appropriate.
3. Prevent the throwing of snow into roadways, which have been cleared.

NYPD

**PURPOSE** To provide guidelines regarding vehicles determined to be derelict that have registration plates.

**DEFINITION** DERELICT VEHICLE - A vehicle that is so dilapidated, burned out, stripped, vandalized, etc., as to be of no apparent value other than scrap. Derelict vehicles will be taken into custody by this Department only when required as evidence.

**PROCEDURE** Upon observing a derelict vehicle bearing registration plates:

**UNIFORMED MEMBER OF THE SERVICE**

1. Determine if vehicle has been reported stolen via appropriate Department resources (i.e., databases, **COMPLAINT REPORTS [PD313-152]**, **VEHICLE THEFT SUPPORTING DEPOSITIONS [PD371-083]**, etc.).
   a. Comply with *P.G. 218-14, "Vehicle Stolen and Recovered Within New York City,"* or *P.G. 218-15, "Vehicle Stolen Outside of New York City and Recovered Within New York City,"* as appropriate, and *P.G. 218-21, "Rotation Tow,"* if vehicle is reported stolen.
   b. Prepare **PROPERTY CLERK INVOICE (PD521-141)** for derelict vehicle and enter "DERELICT" in "Remarks," if vehicle is reported stolen or required as evidence.

***NOTE*** *Department of Sanitation will remove all derelict vehicles not required as evidence as per P.G. 218-21, "Rotation Tow."*

2. Remove registration plates.
   a. Prepare **REGISTRATION PLATE REMOVAL NOTICE (PD571-120)**, if vehicle has New York State registration plates.
      (1) Enter word "DERELICT" in lower left corner.
      (2) Deliver Part 1 of **REGISTRATION PLATE REMOVAL NOTICE** and registration plates to desk officer.
   b. Prepare **EXPIRED REGISTRATION PLATE REMOVAL PROGRAM (PD571-124)** and affix to the window facing the road, if vehicle has out of state registration plates.
      (1) Affix on vehicle in a conspicuous, easily observable location, if driver's side window is broken.
3. Notify Stolen Property Inquiry Section, in all cases, and include:
   a. Date and time registration plates removed, if necessary,
   b. Location of vehicle,
   c. Year and make of vehicle,
   d. Vehicle Identification Number,
   e. Registration plates' number, month and year of expiration,
   f. Name and address of registered owner,
   g. If reported stolen or required as evidence, and
   h. If registered owner was notified.

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

4. Prepare **PROPERTY CLERK INVOICE** for registration plates.
5. Notify owner to immediately remove vehicle, and pick up registration plates within five days.
   a. Make entry in **HIGHWAY CONDITION RECORD (PD311-151)** regarding notification or attempted notification.
6. Record pertinent information in digital **Activity Log**, including, but not limited to:
   a. Date and time registration plates removed, if necessary,
   b. Location of vehicle,
   c. Year and make of vehicle,
   d. Vehicle Identification Number,
   e. Registration plates' number, month and year of expiration,
   f. Name and address of registered owner,
   g. If reported stolen or required as evidence, and
   h. Name of person notified, or attempted to notify.

**DESK OFFICER**

7. Safeguard registration plates in appropriate storage location within command.
   a. Return plates to registered owner, or representative at command upon presentation of valid identification and current registration.
   b. Prepare report on **Typed Letterhead** addressed to the appropriate Commissioner of Motor Vehicles, if registration plates are unclaimed after five days, and include:
      (1) Location and status of recovered vehicle,
      (2) Plate number,
      (3) Name and address of registrant,
      (4) Each plate number removed from vehicle,
      (5) Date of removal, and
      (6) **PROPERTY CLERK INVOICE** number.
8. Forward registration plates and report on **Typed Letterhead** to appropriate Department of Motor Vehicles, if plates are unclaimed after five days.
   a. File copy of **Typed Letterhead** at command.
   b. Complete the "Release/Disposition – Return To Owner" function of **PROPERTY CLERK INVOICE**, which lists the registration plates, and indicate appropriate Department of Motor Vehicles as owner.
9. Assign uniformed member of the service to ascertain if vehicle remains at same location five days after registration plates were removed from vehicle.

**TELEPHONE SWITCHBOARD OPERATOR**

10. Notify Department of Sanitation by telephone and request vehicle be removed, if vehicle remains at same location five days after registration plates have been removed.
    a. Make entry in **HIGHWAY CONDITION RECORD** regarding notification.

***RELATED PROCEDURES***

*Vehicle Stolen and Recovered Within New York City (P.G. 218-14)*
*Vehicle Stolen Outside of New York City and Recovered Within New York City (P.G. 218-15)*
*Rotation Tow (P.G. 218-21)*

***FORMS AND REPORTS***

***HIGHWAY CONDITION RECORD (PD311-151)***
***COMPLAINT REPORT (PD313-152)***
***VEHICLE THEFT SUPPORTING DEPOSITION (PD371-083)***
***PROPERTY CLERK INVOICE (PD521-141)***
***REGISTRATION PLATE REMOVAL NOTICE (PD571-120)***
***EXPIRED REGISTRATION PLATE REMOVAL PROGRAM (PD571-124)***
***Omniform Complaint Revision***
***Typed Letterhead***

NYPD

**PURPOSE** To provide guidelines regarding vehicles bearing registration plates that are expired for more than two months.

**PROCEDURE** Upon observing a vehicle bearing registration plates that are expired for more than two months:

**UNIFORMED MEMBER OF THE SERVICE**

1. Determine:
   a. Name and address of registered owner, and
   b. If vehicle has been reported stolen, or is derelict or abandoned.
      (1) Comply with *P.G. 218-14, "Vehicle Stolen and Recovered within New York City," or P.G. 218-15, "Vehicle Stolen Outside of New York City and Recovered Within New York City,"* if vehicle is reported stolen, or
      (2) Comply with *P.G. 214-29, "Derelict Vehicles Bearing Registration Plates,"* if vehicle is derelict, or
      (3) Comply with *P.G. 218-21, "Rotation Tow"* in conjunction with the following steps, if vehicle is abandoned.
2. Issue summons for unregistered vehicle, if vehicle has not been reported stolen.
3. Remove registration plates.
   a. Prepare **REGISTRATION PLATE REMOVAL NOTICE (PD571-120)**, if vehicle has New York State registration plates.
      (1) Enter word "DERELICT" in lower left corner.
      (2) Deliver Part 1 of **REGISTRATION PLATE REMOVAL NOTICE** and registration plates to desk officer.
   b. Prepare **EXPIRED REGISTRATION PLATE REMOVAL PROGRAM (PD571-124)** and affix to driver's side window, if vehicle has out of state registration plates.
      (1) Affix on roadway side of vehicle in a conspicuous, easily observable location, if window is broken.
4. Notify Stolen Property Inquiry Section of:
   a. Date and time registration plates removed,
   b. Location of vehicle,
   c. Year and make of vehicle,
   d. Vehicle Identification Number,
   e. Registration plates number, month and year of expiration,
   f. Name and address of registered owner,
   g. If reported stolen or required as evidence, and
   h. If registered owner was notified.
5. Prepare **PROPERTY CLERK INVOICE (PD521-141)** for registration plates.

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

6. Record pertinent information in digital **Activity Log**, including, but not limited to:
   a. Date and time registration plates removed, if necessary,
   b. Location of vehicle,
   c. Year and make of vehicle,
   d. Vehicle Identification Number,
   e. Registration plates' number, month and year of expiration,
   f. Name and address of registered owner,
   g. If reported stolen or required as evidence, and
   h. Name of person notified, or attempted to notify
7. Comply with *P.G. 218-21, "Rotation Tow,"* as appropriate.

**DESK OFFICER**

8. Notify next participating tow operator in Rotation Towing Program.
9. Safeguard registration plates in appropriate storage location within command.
   a. Return plates to registered owner, or representative at command upon presentation of valid identification and current registration.
   b. Prepare report on **Typed Letterhead** addressed to the appropriate Commissioner of Motor Vehicles, if registration plates are unclaimed after five days, and include:
      (1) Location and status of recovered vehicle,
      (2) Plate number,
      (3) Name and address of registrant,
      (4) Each plate number removed from the vehicle,
      (5) Date of removal, and
      (6) **PROPERTY CLERK INVOICE** number.
10. Forward registration plates and report on **Typed Letterhead** to appropriate Department of Motor Vehicles, if plates are unclaimed after five days.
    a. File copy of **Typed Letterhead** at command.
    b. Complete the "Release/Disposition – Return To Owner" function of **PROPERTY CLERK INVOICE**, which lists the registration plates, and indicate appropriate Department of Motor Vehicles as owner.

***ADDITIONAL DATA***

*Upon observing an OCCUPIED VEHICLE on a street, highway, or other public place with expired New York State registration plates and/or no registration sticker, the uniformed member of the service will, in addition to other required police action, remove the vehicle to the stationhouse and comply with the provisions of P.G. 218-12, "Safeguarding Vehicles in Police Custody."*

***RELATED PROCEDURES***

*Derelict Vehicles Bearing Registration Plates (P.G. 214-29)*
*Safeguarding Vehicles in Police Custody (P.G. 218-12)*
*Vehicle Stolen and Recovered Within New York City (P.G. 218-14)*
*Vehicle Stolen Outside of New York City and Recovered Within New York City (P.G. 218-15)*
*Rotation Tow (P.G. 218-21)*

| | |
|---|---|
| ***FORMS AND REPORTS*** | ***PROPERTY CLERK INVOICE (PD521-141)***<br>***REGISTRATION PLATE REMOVAL NOTICE (PD571-120)***<br>***EXPIRED REGISTRATION PLATE REMOVAL PROGRAM (PD571-124)***<br>***Typed Letterhead*** |

NYPD

# PATROL GUIDE

| Section: Quality Of Life Matters | | Procedure No: 214-31 | |
|---|---|---|---|
| **REMOVAL OF VEHICLES FROM PARKWAYS, HIGHWAYS AND EXPRESSWAYS** | | | |
| DATE ISSUED: 07/01/20 | DATE EFFECTIVE: 07/01/20 | REVISION NUMBER: | PAGE: 1 of 2 |

**PURPOSE** To reduce congestion and increase safety on controlled access highways.

**PROCEDURE** Upon arriving at the scene of a disabled vehicle impeding traffic on a highway, parkway, expressway, etc., and the vehicle is unattended or the owner or person in charge of the vehicle refuses to hire the franchised towing service:

**UNIFORMED MEMBER OF THE SERVICE**

1. Ascertain from Communications Section if vehicle is wanted on an alarm.
   a. Take appropriate action if vehicle is wanted.
2. Advise owner or person in charge of vehicle who refuses to hire tow car that:
   a. Administrative Code, Section 20-511, subdivision q, requires that the vehicle be removed from the highway.
   b. Vehicle will be removed to place of business of the tow car operator.
   c. Tow car owner is entitled by law to charge towing and storage fees.
   d. Vehicle owner or his representative will be required to appear at precinct of occurrence with current vehicle registration certificate and obtain a written release prior to reclaiming vehicle from tow car operator's place of business.
3. Advise owner or person in charge of vehicle who refuses to hire authorized tow car to remove from vehicle personal property before vehicle is towed.

***NOTE*** *If vehicle is unattended or owner or person in charge refuses to remove personal property, list such property in digital* ***Activity Log****, call attention of tow car operator to listed property and have tow car operator sign digital* ***Activity Log****. Do not remove property from vehicle.*

4. Record in digital **Activity Log**:
   a. Make, year and color of vehicle
   b. Registration plate number, state and year
   c. Location from which towed
   d. Towing service name, address and medallion number of tow car
   e. Name and address of owner or person in charge of vehicle at scene.
5. Sign tow car operator's authorization to tow vehicle if owner or person in charge refuses to hire tow car or vehicle is unattended.
6. Deliver copy of "Authorization to Tow" form to desk officer.

**DESK OFFICER**

7. Notify Stolen Property Inquiry Section immediately of details concerning removal.
8. Ascertain ownership of vehicle if owner not present at scene.
9. Notify owner, if not present at scene, of location where vehicle stored and that registration certificate must be presented at precinct to obtain release for vehicle.
10. Enter details of removal in Command Log.
    a. Include information listed in step four above and identity of uniformed member of service, the registered owner, and member at Stolen Property Inquiry Section notified.

**DESK OFFICER (continued)**

11. File "Authorization to Tow" form in Property Receipt Book.

WHEN VEHICLE OWNER OR HIS REPRESENTATIVE APPEARS AT STATIONHOUSE TO OBTAIN RELEASE:

**DESK OFFICER**

12. Inspect Command Log entry.
13. Examine registration certificate.
14. Question claimant to determine if vehicle reported stolen.
    a. Ensure that alarm, if any, is canceled before preparing release for vehicle.
15. Have **COMPLAINT REPORT (PD313-152)** prepared if vehicle stolen but not yet reported:
    a. Note under details that vehicle is recovered
    b. Close **COMPLAINT REPORT** unless additional investigation is required
    c. Telephone facts to precinct concerned if theft occurred in another command.
16. Have two copies of release, addressed to Tow Car Service, prepared on **OFFICIAL LETTERHEAD (PD158-151)** including:
    a. Name and address of owner or representative who will claim vehicle
    b. Make, color, registration number of vehicle
    c. Time, date and location from which removed.
17. Have claimant sign second copy of release and file in Property Receipt Book.
18. Give original copy to claimant and inform him that tow and storage charges must be paid to tow car owner.

***ADDITIONAL DATA***

*Highway District vehicles equipped with "protective bumper guards" may push disabled vehicles obstructing active traffic lanes to the nearest location where they may be parked safely. Under no circumstances will disabled vehicles be pushed to repair shops or onto private property.*

***FORMS AND REPORTS***

***COMPLAINT REPORT (PD313-152)***
***OFFICIAL LETTERHEAD (PD158-151)***

| Section: Quality Of Life Matters | | Procedure No: 214-32 | |
|---|---|---|---|
| **DISCARDED REFRIGERATORS, FREEZERS AND OTHER SELF LOCKING CONTAINERS** | | | |
| DATE ISSUED: 07/01/20 | DATE EFFECTIVE: 07/01/20 | REVISION NUMBER: | PAGE: 1 of 1 |

**PURPOSE** To prevent injury to children.

**PROCEDURE** Upon finding a refrigerator, freezer or other self locking container in a place accessible to the public:

**UNIFORMED MEMBER OF THE SERVICE**

1. Direct person responsible, if known, to remove the door, door latch or latch stop.
   a. If owner known and refuses to comply, make arrest.
2. Remove the door, door latch, or latch stop if tools are available and owner unknown.
3. Summon Emergency Service Unit through the Communications Section dispatcher if unable to make device safe.

**EMERGENCY SERVICE UNIT CREW**

4. Respond to location.
5. Remove the door, door latch, or latch stop.
6. Make entry in digital **Activity Log** of time and location.

**UNIFORMED MEMBER OF THE SERVICE**

7. Make entry in digital **Activity Log** of facts, including names of Emergency Service Unit members who responded to scene.

NYPD

| Section: Quality Of Life Matters | | Procedure No: 214-33 | |
|---|---|---|---|
| **CARE AND DISPOSITION OF ANIMALS** | | | |
| DATE ISSUED: 07/01/20 | DATE EFFECTIVE: 07/01/20 | REVISION NUMBER: | PAGE: 1 of 4 |

**PURPOSE** To properly investigate complaints involving dangerous animals/dogs requiring a police response.

**SCOPE** It is the intent of this procedure to ensure that all complaints of dangerous animals/dogs are recorded properly and reported to the New York City Department of Health and Mental Hygiene, as well as to provide for the safe and humane handling of such animals when encountered by members of the service. This includes animals that are owned, wild, lost or stray, abandoned, or used for fighting or intimidation purposes. If the animal is gone upon arrival of member of service at the scene, a **DANGEROUS ANIMAL/BITE REPORT (PD311-152)** must still be prepared, regardless of whether or not a person has been injured by the animal. Offenders engaging in animal cruelty will be arrested and processed for a **DESK APPEARANCE TICKET**, if eligible.

**DEFINITIONS** ANIMAL – Shall mean mammals, amphibians, reptiles, birds or insects.

DANGEROUS ANIMAL – For the purpose of this procedure, a dangerous animal shall mean any animal which menaces, threatens, attacks or bites a person. A dangerous animal can also be a wild animal which is defined as any animal naturally inclined to do harm and capable of inflicting harm upon human beings.

DANGEROUS DOG – Shall mean any dog:

a. That when unprovoked, approaches, or menaces any person in a dangerous or terrorizing manner, or in an apparent attitude of attack, upon the streets, sidewalks, or any public grounds or places; OR
b. With a known propensity, tendency or disposition to attack when unprovoked, to cause injury or to otherwise endanger the safety of human beings or domestic animals; OR
c. Which bites, inflicts injury, assaults or otherwise attacks a human being or domestic animal, without provocation on public or private property; OR
d. Owned or harbored primarily, or in part, for the purpose of dog fighting or any dog trained for dog fighting.

**PROCEDURE** When a uniformed member of the service responds to a complaint involving a dangerous animal/dog, regardless of whether or not a person was injured by the animal:

**UNIFORMED MEMBER OF THE SERVICE**

1. Have Communications Section dispatcher request a unit from the Animal Care and Control of New York City (A.C. & C.) respond to the scene, if the animal presents a danger or may have been left uncared for.
2. Prepare **DANGEROUS ANIMAL/BITE REPORT** and, if required, **AIDED REPORT**, in all instances in which responding to or becoming apprised of an incident involving an animal bite and/or dangerous animal and include the ICAD Incident number on forms.

***NOTE*** *Animal Care and Control of New York City (A.C. & C.) Animal Rescue Units are in service Monday through Friday from 0800 to 2000 hours. The Brooklyn A.C. & C. of New York City control center is open twenty four hours, seven days a week to uniformed members of the Department. All other borough control centers are open during business hours, Tuesday through Saturday.*

*Members of the service who require emergency assistance from A.C. & C. of New York City between 2000 and 0800 hours weekdays and twenty four hours a day on weekends and holidays should contact the Operations Division, providing pertinent details and the name of the contact person at the scene. Operations Division personnel will then notify an A.C. & C. of New York City member who is on-call to respond for emergencies and/or to provide instructions.*

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

3. Request an Emergency Services Unit to respond to the scene, if response by A.C. & C. of New York City cannot be made expeditiously (fifteen to thirty minutes) or cannot be ascertained, or if animal's owner or person in control of a premises where animal is located is arrested, hospitalized, etc., and no one is able to provide for the animal's care.
4. Deliver animal to an A.C. & C. of New York City representative, if A.C. & C. of New York City responds to the scene.
5. Request patrol supervisor to respond to the scene.

**EMERGENCY SERVICE UNIT**

6. Secure the animal and prepare it for transportation by RMP to an A.C. & C. of New York City facility, as appropriate.

**PATROL SUPERVISOR**

7. Assign resource to transport animal to an A.C. & C. of New York City facility, if necessary.

***NOTE*** *When it is necessary to transport an animal to an A.C. & C. of New York City facility, direct that a kennel be brought to the scene from the command concerned. If necessary, additional kennel(s) may be requested from an adjoining command or the patrol borough concerned. Under no circumstances shall an animal be placed into the trunk of a Department vehicle.*

**MEMBER ASSIGNED TO TRANSPORT**

8. Place kennel into the backseat of RMP.
   a. Remove rear seat from vehicle, if necessary.
9. Transport animal to an A.C. & C. of New York City facility.
   a. Obtain receipt from A.C. & C. of New York City and deliver to desk officer.

***NOTE*** *Members of the service delivering any animal to an A.C. & C. of New York City facility must be able to articulate the circumstances surrounding the reasons for the animal coming into police custody, including the owner's name and address, if known.*

**UNIFORMED MEMBER OF THE SERVICE**

10. Take appropriate enforcement action against owner or person in possession of animal and remove to command, if necessary.
11. Report facts to desk officer.
12. Deliver **DANGEROUS ANIMAL/BITE REPORT** and submit **AIDED REPORT**, if prepared, to desk officer.

***NOTE*** *Department form **DANGEROUS ANIMAL/BITE REPORT** will be prepared in EVERY instance of a dangerous animal condition whether the animal is taken into custody or not. This form will assist the New York City Police Department and the Department of Health and Mental Hygiene in tracking dangerous animal complaints.*

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

13. Process offender for **DESK APPEARANCE TICKET**, if eligible.
    a. Include **DANGEROUS ANIMAL/BITE REPORT**, if prepared, with other arrest paperwork and note on **ARREST CHECKLIST (PD244-041)**.
14. Enter facts in digital **Activity Log**.

**DESK OFFICER**

15. Review and sign **DANGEROUS ANIMAL/BITE REPORT** and distribute as delineated on form.
16. Forward the Department of Health and Mental Hygiene copy of **DANGEROUS ANIMAL/BITE REPORT** via the Mail and Distribution Unit.
17. Notify Department of Health and Mental Hygiene by telephone of human exposure to a rabid animal, an animal suspected of being rabid, and/or an animal that has bitten, scratched, or abraded a human being.
18. Notify Department of Health and Mental Hygiene by telephone if animal or owner is located after **DANGEROUS ANIMAL/BITE REPORT** has been forwarded.
19. File command copy of **DANGEROUS ANIMAL/BITE REPORT**.

***ADDITIONAL DATA***

*Pursuant to Article 26, Agriculture and Markets Law, Section 371, of New York State entitled "Power of Police Officer," police officers may arrest any person violating any provisions of this article and may lawfully take animals into custody to prevent the perpetration of any act of cruelty upon any animal. Upon arrest for such violation, the arresting officer will issue a **DESK APPEARANCE TICKET** if qualified, returnable to Criminal Court (see P.G. 208-27, "Desk Appearance Ticket - General Procedure").*

*For purposes of this procedure, applicable sections of Article 26, Agriculture and Markets Law are:*

*a. Section 351 - Prohibition of Animal Fighting - Section 351.(2) Unclassified Felony, Section 351.(3 & 4) - Unclassified Misdemeanor.*
*b. Section 353 - Overdriving, Torturing, and Injuring Animals; Failure to Provide Proper Sustenance - Unclassified Misdemeanor.*
*c. Section 353-a - Aggravated Cruelty to Animals - Unclassified Felony.*
*d. Section 355 - Abandonment of Animals - Unclassified Misdemeanor.*
*e. Section 356 - Failure to Provide Proper Food and Drink to Impounded Animal - Unclassified Misdemeanor.*
*f. Section 359 - Carrying Animal in a Cruel Manner - Unclassified Misdemeanor.*
*g. Section 360 - Poisoning or Attempting to Poison Animals - Unclassified Felony (horses, mules or domestic cattle); Unclassified Misdemeanor (all other animals).*
*h. Section 361 - Interference With or Injury to Certain Domestic Animals - Unclassified Felony.*

***ADDITIONAL DATA (continued)***

*i. Section 365 - Clipping or Cutting the Ears of Dogs - Unclassified Misdemeanor.*

*j. Section 368 - Operating Upon Tails of Horses Unlawful - Unclassified Misdemeanor.*

*k. Section 374 - Humane Destruction or Other Disposition of Animals Lost, Strayed, Homeless, Abandoned or Improperly Confined or Kept - Unclassified Misdemeanor.*

*For the purpose of this procedure, applicable sections of Title 17, New York City Administrative Code are:*

*a. Section 17-343 - Acquisition of a Dangerous Dog Prohibited.*
*b. Section 17-346 - Confiscation and/or Confinement of a Dangerous Dog.*
*c. Section 17-351 - Enforcement.*

*All three Administrative Code sections cited are Unclassified Misdemeanors.*

*Uniformed members of the service should be cognizant of the indication of rabies and should use extreme care when approaching animals. In the event of any animal bite, or contact with an animal's saliva, members should seek immediate medical attention.*

*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. As per P.G. 221-01, 'Force Guidelines,' a uniformed member of the service shall not discharge a firearm at a dog or other animal, except to protect a member or another person present from imminent physical injury and there is no opportunity to retreat or other reasonable means to eliminate the threat.*

*Before using deadly physical force, every attempt will be made to use other reasonable means to contain threats from dangerous animals.*

*In those instances where uniformed members of the service develop information to indicate a dangerous dog will be encountered at a particular location (e.g., an apartment where a warrant is to be enforced, etc.), the Emergency Service Unit's Canine Team should be conferred with for their assistance.*

***RELATED PROCEDURES***

*Desk Appearance Ticket - General Procedure (P.G. 208-27)*
*Force Guidelines (P.G. 221-01)*

***FORMS AND REPORTS***

***AIDED REPORT***
***ARREST CHECKLIST (PD244-041)***
***DANGEROUS ANIMAL/BITE REPORT (PD311-152)***
***DESK APPEARANCE TICKET***

| Section: Quality Of Life Matters | | Procedure No: 214-34 | |
|---|---|---|---|
| **POLICE ACTION IN PREMISES (LICENSED OR UNLICENSED) WHERE ALCOHOLIC BEVERAGES ARE SOLD** | | | |
| DATE ISSUED: 07/01/20 | DATE EFFECTIVE: 07/01/20 | REVISION NUMBER: | PAGE: 1 of 3 |

**PURPOSE**

To notify the Detective Bureau's Vice Enforcement Division and the State Liquor Authority of founded complaints regarding premises where alcoholic beverages are sold.

**PROCEDURE**

When any of the following events occur in connection with a premises, licensed or unlicensed, in which alcoholic beverages are sold:

a. Arrest in premises, or elsewhere, resulting from action originating in premises
b. Summons served on premises, or on employee, for violation related to premises
c. Complaint concerning premises, or vicinity of premises and cause originated in premises, which was investigated and resulted in corrected condition
d. Condition or police action directly concerning the operation of the premises which should be brought to the attention of the State Liquor Authority, Department of Buildings, Fire Department, or any other City agency.

**UNIFORMED MEMBER OF THE SERVICE CONCERNED**

1. Request patrol supervisor to respond.
   a. If patrol supervisor is not available, contact desk officer and comply with instructions.
2. Advise patrol supervisor of the facts.
3. Take summary action if offense committed in presence and be guided by *P.G. 208-03, "Arrests - General Processing"* and *P.G. 207-08, "Preliminary Investigation of Vice, Narcotics or Organized Crime-Related Offenses."*
4. Make complete entries in digital **Activity Log**.
5. Notify Detective Bureau Wheel when:
   a. Premises is selling alcohol without a liquor license, AND/OR
   b. Premises is operating after hours.

**PATROL SUPERVISOR**

6. Respond to the scene and determine appropriate police action to be taken.
   a. Notify the Department of Buildings, Fire Department or the appropriate City agency of apparent code violations.
7. Prepare **POLICE ACTION LICENSED/UNLICENSED PREMISES (PD310-150)** report.
   a. Prepare additional copy of report marked "Department of Consumer Affairs" if arrest involved a cabaret, public dance hall, catering establishment, or bowling alley
   b. Prepare one additional copy of report for commanding officer of precinct where premises is located, if action or condition originated in another command
   c. File one copy of report at command.

***NOTE***

*Whenever the uniformed member concerned is assigned to the Detective Bureau, such member's commanding officer will prepare and forward the required* ***POLICE ACTION LICENSED/UNLICENSED PREMISES*** *report. A copy of the report will be forwarded to the commanding officer, precinct of occurrence.*

**PATROL SUPERVISOR (continued)**

8. Direct undercover agent (e.g., auxiliary police officer, etc.) to complete **AFFIDAVIT OF SALE OF ALCOHOL (PD326-060)**, if police action involves the sale of alcohol to a minor or an undercover member.
   a. Have one copy of **AFFIDAVIT** filed in arrest folder.
9. Notify desk officer, precinct of occurrence of facts.
10. Forward **POLICE ACTION LICENSED/UNLICENSED PREMISES** with additional copies of report and original **AFFIDAVIT OF SALE OF ALCOHOL**, if prepared, to commanding officer.
11. Advise commanding officer of facts regarding police action.

**DESK OFFICER**

12. Enter facts in Command Log.

**COMMANDING OFFICER**

13. Verify that desk officer, precinct of occurrence, was notified, if necessary.
14. Review and sign **POLICE ACTION LICENSED/UNLICENSED PREMISES**.
15. Ensure **POLICE ACTION LICENSED/UNLICENSED PREMISES** report is forwarded, via email and Department mail, to Commanding Officer, Vice Enforcement Division, 3280 Broadway, NY, NY, Room 605, with the following:
    a. Copies of any summonses issued in regards to police action
    b. Original **AFFIDAVIT OF SALE OF ALCOHOL**, if prepared.
16. Scan and email all prepared summonses, reports, etc. to VED@NYPD.ORG.
17. Ensure a copy of **POLICE ACTION LICENSED/UNLICENSED PREMISES** report, if prepared, is forwarded to the following:
    a. NYC Department of Consumer Affairs
    b. Precinct commanding officer where premises is located.

**VICE ENFORCEMENT DIVISION**

18. Forward copy of **POLICE ACTION LICENSED/UNLICENSED PREMISES** report to the State Liquor Authority.

***ADDITIONAL DATA***

*The "Details" section of **POLICE ACTION LICENSED/UNLICENSED PREMISES** must be very specific. It must include a statement that the owner or operator was aware of the offense and indicate circumstances that demonstrated actual or implied knowledge on the part of the owner or operator. Include the following information, when pertinent:*

*1. Employment of a person under eighteen years of age, or serving alcoholic beverages to a person under twenty one years of age:*
   *a. Name, address and age*
   *b. How age was ascertained*
   *c. If enforcement was for the sale of alcohol to a minor, what type of alcohol was purchased (size of container, brand, and cost)*
   *d. If undercover agent was used, his/her title, age, date of birth, and a statement that the arresting/summonsing officer witnessed the sale.*
*2. Sale of alcohol to intoxicated person:*
   *a. Description of drunken behavior*
   *b. Type of beverage served after condition was observed by arresting officer.*

***ADDITIONAL DATA (continued)***

*3. Gambling:*
- *a. Whether defendant is an employee of premises and in what capacity*
- *b. Name of person in charge*
- *c. If gambling device was involved, indicate how used.*

*4. Sale of alcoholic beverages during prohibited hours:*
- *a. Type of beverage*
- *b. Time of violation and arrest.*

*5. Prostitution:*
- *a. Period of time observed*
- *b. Behavior of persons with males or females and number of times males and/or females left and returned*
- *c. Name of person permitting violation by direct knowledge or by action of male(s)/female(s).*

*6. Narcotics:*
- *a. Circumstances*
- *b. Name and title of person in charge who knowingly permitted violation.*

***RELATED PROCEDURES***

*Preliminary Investigation of Vice, Narcotics or Organized Crime-Related Offenses (P.G. 207-08)*
*Arrests - General Processing (P.G. 208-03)*

***FORMS AND REPORTS***

***POLICE ACTION LICENSED/UNLICENSED PREMISES (PD310-150)***
***AFFIDAVIT OF SALE OF ALCOHOL (PD326-060)***

NYPD

| Section: Quality Of Life Matters | | Procedure No: 214-35 | |
|---|---|---|---|
| **PROCESSING QUALITY OF LIFE SERVICE REQUESTS USING THE 311 TERMINAL** | | | |
| DATE ISSUED: 06/29/19 | DATE EFFECTIVE: 06/29/19 | REVISION NUMBER: | PAGE: 1 of 4 |

**PURPOSE** To ensure Quality of Life service requests received through the 311 system or the telephone switchboard are effectively addressed and monitored by members of the service.

**DEFINITION** CHRONIC 311 CONDITION – Five or more service requests in a 28-day period for the same specified condition at a location.

**PROCEDURE** When a Quality of Life service request has been received through the 311 system or telephone switchboard:

**TELEPHONE SWITCHBOARD OPERATOR**

1. Record Quality of Life service requests received via telephone on the **TELEPHONE DISPATCH LOG (PD112-143)**.
   a. Inform callers reporting Quality of Life service requests to the telephone switchboard to call 311 directly in the future.
   b. Inform callers to call 311 immediately if service requests requires a referral to another City agency.
2. Confer with desk officer to reconcile duplicate service requests received via the 311 system and command telephone switchboard.
3. Have Quality of Life service request(s) generated through the 311 system or telephone switchboard requiring investigation dispatched as a command assignment(s).
4. Enter final dispositions of calls received via the telephone switchboard on the **TELEPHONE DISPATCH LOG**.

**UNIFORMED MEMBER OF THE SERVICE ASSIGNED**

5. Notify Communications Section upon receipt of a Quality of Life assignment (code 10-61) including location to which responding.
6. Respond to assignment as expeditiously as possible, except if on emergency assignment.
7. Promptly notify Communications Section upon completion of assignment.
8. Notify desk officer of dispositions for completed assignments.
9. Inform desk officer of any Quality of Life service request(s) not completed by the end of tour.

**PATROL SUPERVISOR**

10. Monitor performance of members of the service assigned to Quality of Life service requests and ensure an appropriate response.

**PLATOON COMMANDER/ DESK OFFICER**

11. Ensure that 311 system assignments are dispatched expeditiously.
12. Manually refresh the 311 system at least every hour, checking for the receipt of Quality of Life service requests requiring attention.
13. Make Command Log entries at the beginning and at the end of each tour and indicate the number of pending assignments in the 311 system.
14. Print a copy of each 311 service request that is assigned during the platoon and give to assigned sector.

**PLATOON COMMANDER/ DESK OFFICER (continued)**

a. Ensure dispositions are properly recorded in the 311 system or on the **TELEPHONE DISPATCH LOG**, as applicable.

***NOTE*** *Any Quality of Life condition that generates five or more calls within an eight-hour period will be prioritized for an immediate response. Requests for service will be dispatched as resources become available, with the exception of those deferred to command specialized units (e.g., special operations lieutenant) or those that require an immediate response.*

15. Determine whether a service request can be handled during the tour or if it requires deferral to command specialized units (e.g., special operations lieutenant) or referral to another command/City agency.
    a. Indicate all deferrals and referrals in the 311 system or record in the Telephone Record, as appropriate.
16. Accept assignments that could not be completed during the previous tour and prioritize for assignment to the next available unit.

***NOTE*** *Assignments that are deferred to command specialized units or require the assistance of another governmental agency will receive an interim disposition of "deferred" or "open," as appropriate.*

**SECOND PLATOON DESK OFFICER**

17. Review 311 system at 0800 hours daily for previous 24 hours to account for all service requests and ensure dispositions are properly assigned.
    a. Initiate an investigation to resolve unmarked dispositions and take corrective action, as necessary.

**SPECIAL OPERATIONS LIEUTENANT**

18. Review all deferred 311 service requests and initiate a response.
19. Ensure dispositions are entered and reported properly.
20. Identify Quality of Life conditions requiring a complex or sustained response.
    a. Design and implement plan utilizing command resources.
    b. Utilize other Department units, government agencies, and community resources, as necessary.
21. Establish a list of locations of 311 service requests deferred to specialized units by address and request.
    a. Maintain a current copy of the list at the desk.
    b. Ensure dispositions are updated from "deferred" to the appropriate disposition code as assignments are completed.
22. Coordinate command Quality of Life strategies, including but not limited to:
    a. Design and enact specific response plans for chronic unresolved conditions
    b. Administer Quality of Life self-inspection to ensure compliance with Department directives and command strategies
    c. Direct a monthly audit of identified 311 callers to assess the quality of service.

**NEIGHBORHOOD COORDINATION SERGEANT**

23. Assist special operations lieutenant in identifying conditions requiring a complex or sustained response.
24. Ensure neighborhood coordination officers are aware of list of locations of 311 service requests in their sector.

**TRAINING SERGEANT**

25. Conduct command level training on Quality of Life matters, including instruction on operation of the 311 system, when necessary and as directed by competent authority.

**INTEGRITY CONTROL OFFICER**

26. Conduct random inspections, to ensure proper dispositions, compliance with reporting requirements, and system integrity.
    a. Investigate derelictions of duty or other deficiencies as determined, or directed.

**COMMANDING OFFICER/ EXECUTIVE OFFICER**

27. Review command Quality of Life strategies and analyze performance.
    a. Modify as necessary.
28. Have deficiencies referred to the appropriate supervising officer and/or training sergeant for necessary action and follow-up.
29. Direct neighborhood coordination sergeant to:
    a. Initiate daily callbacks to identified 311 callers and determine if service requests were resolved or if further action is required
    b. Document all contacts and attempts. A minimum of two attempts must be made to contact each caller
    c. Initiate follow-up actions as necessary and confer with the special operations lieutenant
    d. Establish a list of chronic conditions for the previous 28-day period, update weekly, and post at the desk.
30. Confer with training sergeant to ensure effective training on Quality of Life matters.
31. Ensure lists for deferred service requests and 28-day chronic conditions are properly maintained at the desk.

**PATROL BOROUGH ADJUTANT/ HOUSING BUREAU/ TRANSIT BUREAU DESIGNATED SUPERVISOR**

32. Provide additional resources as needed to assist commanding officers and subordinate commands, if requested.
33. Monitor subordinate commands to ensure Quality of Life service requests are being addressed properly.
34. Oversee contingency plan for borough/bureau in the event of a 311 system failure affecting multiple commands.

***ADDITIONAL DATA***

*311 SERVICE REQUESTS FOR IMPROPER PARKING PERMIT USE*

*The Traffic Management Center will dispatch members assigned to the Citywide Traffic Task Force Placard Enforcement Unit to 311 service requests involving improper permit use. If members assigned to the Citywide Traffic Task Force Placard Enforcement Unit are unavailable, or if service requests are initiated outside hours of operation (0700 to 1930 hours, Monday through Friday), these service requests will be forwarded to the command concerned for disposition (i.e., summons, tow, etc.). In all cases, the Traffic Management Center will be notified upon completion of the assignment, and be provided with a disposition.*

*311 LIAISON*

*The Office of Management Analysis and Planning (OMAP) is the designated liaison to New York City 311 (NYC 311) to ensure operational readiness, coordinate policy, exchange information, and undertake other actions to increase organizational efficiency, effectiveness, and improve customer service. Additionally, OMAP will coordinate with NYC 311 in the event of a large scale or system-wide 311 failure.*

*SYSTEM SECURITY AND INTEGRITY*

*All members of the service are responsible to ensure the safety and security of Department computer systems. Authorized members will only sign-on to the 311 system utilizing their personal user identification and confidential password. Members will sign-off from the system upon completion of use, or whenever unable to safeguard, even for a brief period of time.*

*TECHNICAL ISSUES*

*Notify the Information Technology Bureau (ITB) Service Desk (24 hours) to report inoperable or malfunctioning computer equipment or Department networking problems. Other system failures or program malfunctions will be referred directly to the New York City Department of Information Technology & Telecommunications (DoITT) Citywide Service Desk. All notifications will be entered in the Telephone Record.*

*OVERSIGHT, ANALYSIS, AND INVESTIGATIONS*

*Members conducting oversight, analysis, or investigatory functions should use Department computer systems, as appropriate, to complete these operations.*

***FORMS AND REPORTS***

***TELEPHONE DISPATCH LOG (PD112-143)***

| Section: Quality Of Life Matters | | Procedure No: 214-36 | |
|---|---|---|---|
| **RESPONSE TO COMPLAINTS OF VIOLATION OF NEW SMOKING BAN IN NEW YORK CITY** | | | |
| DATE ISSUED: 08/27/19 | DATE EFFECTIVE: 08/28/19 | REVISION NUMBER: | PAGE: 1 of 2 |

**PROCEDURE** When a member of the service is advised by a member of the public that the new Smoke-Free Air Act is being violated.

**MEMBER OF THE SERVICE**

1. If there are no other violations involved, direct complainant to call 311 to have complaint forwarded to the Department of Health.
   a. Violations of this chapter are only enforced on a "Notice of Violation Returnable to the Department of Health" to be issued by agents from The Department of Health, Department of Consumer Affairs, Department of Environmental Protection, Fire Department, Sanitation Department and The Buildings Department.

***NOTE***

*Electronic cigarettes are prohibited from being used anywhere smoking is prohibited as per New York City Administrative Code sections 17-503 and 17-504, which regulate smoking in public places and places of employment.*

*If a person in charge of a public premise has ordered a person to leave and such person refuses, members of the service may take proper enforcement action (e.g., Trespass. etc.). Uniformed members of the service may encounter situations in which a person in charge of a public premise seeks assistance in preventing person(s) from violating the Smoke-Free Air Act. In such situations, uniformed members of the service should take appropriate enforcement action under the trespass statutes (i.e., Penal Law Sections 140.05 and 140.10), if the person in charge of the public premise orders the violator to leave the premise and the violator refuses to leave. In addition, if an individual is smoking marijuana in the premise, uniformed members of the service are permitted to take appropriate enforcement action pursuant to Penal Law Section 221.05.*

***ADDITIONAL DATA***

*With respect to public places, smoking is prohibited in all enclosed or indoor areas of public places, defined as any area to which individuals other than employees are invited or permitted. Smoking is also prohibited in specified outdoor locations: playgrounds; day care centers; children's institutions; and sports and recreation areas where outdoor seating or viewing areas are assigned by issuance of tickets.*

*The smoking ban does not apply to: hotel and motel rooms, private vehicles, private homes (except homes in which a day care or health care facility is being operated), and retail tobacco stores. Separate smoking rooms may be established in residential health care or day treatment facilities for use by patients only, with the approval of the Fire Commissioner. If approved by the Health and Mental Hygiene Department, smoking is permitted in membership associations (where the members themselves provide all services without compensation) and tobacco bars.*

*Smoking is permitted in sidewalk cafes with no roof or other ceiling enclosure, in an area no larger than 25% of the total outdoor seating capacity, at least three feet away from the non-smoking outdoor area, where the area is clearly marked as a smoking area.*

***ADDITIONAL DATA (continued)***

*Enactment of this local law was subsequently complicated by the enactment of a similar State law, Chapter 13 of the Laws of 2003, which takes effect July 24, 2003. Where the State law is more restrictive, it preempts the local law. Therefore, although the local law allows separate smoking rooms in bars and makes an exception for owner operated bars, as of July 24, 2003 they are both prohibited by the State law. Both laws allow a facility to permit smoking at an event for promoting and sampling tobacco products where service of food and drink is incidental. Local law set the limit at five days per year; effective July 24, 2003 the state law lowers that limit to two days per year.*

*With respect to any workplace, smoking is prohibited in indoor areas to which the general public does not generally have access. An employer no longer has the option of establishing smoking rooms, and employees no longer have the ability to smoke in a private enclosed office. Smoking is prohibited in company vehicles occupied by more than one person whether or not the occupants consent. Smoking is also prohibited in all vehicles owned by the City.*

NYPD

# PATROL GUIDE

| Section: Quality Of Life Matters | | Procedure No: 214-37 | |
|---|---|---|---|
| **NEW YORK CITY DEPARTMENT OF BUILDINGS ACCESS WARRANTS** | | | |
| DATE ISSUED: 07/01/20 | DATE EFFECTIVE: 07/01/20 | REVISION NUMBER: | PAGE: 1 of 1 |

**PURPOSE** To preserve the peace and protect life and property at a building/premises where an inspector from the New York City Department of Buildings is executing an Access Warrant in order to perform a safety inspection.

**DEFINITION** ACCESS WARRANT – a Court Order allowing a member from the New York City Department of Buildings to gain access to a building/premises in order to conduct a safety inspection.

**PROCEDURE** When requested to accompany a member from the New York City Department of Buildings executing an Access Warrant:

**DESK OFFICER**

1. Review Access Warrant to ensure validity.

***NOTE*** *The desk officer will review the Access Warrant and ensure the warrant has been signed by a Supreme Court judge and has not expired. Once a Court has issued an Access Warrant, the warrant must be executed within the date range specified in the Court Order.*

2. Make a Command Log entry consisting of:
   a. Full name of New York City Department of Buildings inspector
   b. Index number and issuing court
   c. Address of location identified on warrant.
3. Request Communications Section to assign an RMP unit to accompany inspector to identified location.

**UNIFORMED MEMBER OF THE SERVICE**

4. Respond to location.

***NOTE*** *The role of a uniformed member of the service at a scene where an Access Warrant is being executed is to preserve the peace and prevent the commission of a crime. The execution of the Access Warrant is the sole responsibility of the NYC Department of Buildings inspector. Under no circumstances will uniformed members of the service assist in breaking a door or damaging property to effect the warrant and/or to gain access to the premises. If access to the premises is not granted, it will be the responsibility of the New York City Department of Buildings to reschedule the execution of the Access Warrant.*

5. Enter premises with New York City Department of Buildings inspector and remain until inspection is completed.
6. Notify desk officer when the inspection is completed.
7. Make appropriate digital **Activity Log** entry.

**DESK OFFICER**

8. Make Command Log entry indicating the time inspection was completed.

**PURPOSE** To establish a systematic inspection of pawnbrokers and second-hand dealers by patrol precincts and to ensure compliance with recordkeeping rules and regulations.

**DEFINITIONS** PAWNBROKER – A person or business engaged in the loaning of money on deposit or pledge of personal property, or the purchasing of personal property on the condition of selling it back at a stipulated price.

SECOND-HAND DEALER – Any person who in any way or as a principal broker or agent deals in the purchase or sale of second-hand articles of any nature (e.g., thrift store).

**PROCEDURE** When designated to perform inspections of pawnbrokers and second-hand dealers by a competent authority:

**PRECINCT COMMANDING OFFICER**

1. Assign special operations lieutenant as the primary coordinator of the command's pawnbroker and second-hand dealer inspection program.
   a. Designate an alternate supervisor to coordinate program, in absence of special operations lieutenant.

**SPECIAL OPERATIONS LIEUTENANT/ DESIGNATED SUPERVISOR**

2. Maintain an updated list of all pawnbrokers and second-hand dealers operating within the confines of the precinct.
   a. Provide copy of list to:
      (1) Commanding officer
      (2) Executive officer
      (3) Detective zone commanding officer
      (4) Field intelligence officer
      (5) Precinct detective squad supervisors
      (6) Other specialty unit supervisors, as appropriate.
   b. Revise list quarterly to ensure accuracy.
3. Designate the crime prevention officer to act as the primary designee and liaison to pawnbrokers and second-hand dealers.
   a. Community affairs officers, neighborhood coordination officers, field intelligence officers, etc., may supplement these efforts.
4. Ensure all stores are inspected by crime prevention officer frequently, but no less than once per quarter, and that inspection is documented appropriately.
5. Forward reports quarterly, to the Crime Prevention Division to ensure compliance.

**CRIME PREVENTION OFFICER**

6. Provide each pawnbroker and second-hand dealer with copies of **SECOND-HAND ARTICLES STORE LOG (PD530-141)**, when necessary.

**CRIME PREVENTION OFFICER (continued)**

a. Provide second-hand dealers with copy of **INSTRUCTIONS TO DEALERS IN SECOND-HAND ARTICLES (PD634-153)**, in all cases.

7. Retrieve "Detective Squad" copy (pink) every ten days, from all pawnbrokers and second-hand dealers located in the confines of the precinct that maintain a **SECOND-HAND ARTICLES STORE LOG**.
   a. Document the visit by signing the next unused transaction receipt in the **SECOND-HAND ARTICLES STORE LOG**.
      (1) Pawnbrokers and second-hand dealers who upload all transactions and relevant information to the Electronic Reporting System are exempt from maintaining the **SECOND-HAND ARTICLES STORE LOG** (see "Additional Data" statement for more information on mandatory electronic reporting).
8. Monitor Electronic Reporting System to ensure that participating stores are uploading data on a daily basis, including negative reports if no transactions are made.
9. Perform administrative inspections to ensure compliance with record keeping regulations at all pawnbrokers and second-hand dealers located in the confines of the precinct frequently, but no less than once per quarter.
   a. Perform audit of **SECOND-HAND ARTICLES STORE LOG**, or Electronic Reporting System, as applicable, to determine accuracy of records.
   b. Inspect last 20 items purchased and compare them to the records maintained in either the Electronic Reporting System, or **SECOND-HAND ARTICLES STORE LOG**, to ensure the integrity of the entries made by pawnbroker/second-hand dealer.
10. Document results of administrative inspections in the Enterprise Case Management System (ECMS).
11. Report any suspected criminal intelligence regarding a pawnbroker or second-hand dealer as per *P.G. 212-12, "Citywide Intelligence Reporting System."*
    a. Notify special operations lieutenant, precinct detective squad commander, and field intelligence officer.

***NOTE*** *Refer to Legal Bureau Bulletin Vol. 47, No. 3, "Enforcement Action Regarding Pawnbrokers and Second-Hand Dealers."*

**FIELD INTELLIGENCE OFFICER**

12. Monitor the Electronic Reporting System at least once every ten days, paying particular attention to repeated transactions by an individual, or other signs indicative of criminal behavior.
13. Disseminate pertinent information generated by the Electronic Reporting System to appropriate units.

**PRECINCT DETECTIVE SQUAD COMMANDER**

14. Ensure intelligence which may affect another precinct (e.g., recently arrested burglary parolee residing in another command, etc.) is brought to the attention of applicable precinct detective squad commander and detective zone commanding officer.

**PRECINCT DETECTIVE SQUAD**

15. Place a hold on property, for a period not to exceed 90 days, if a reasonable belief is developed based upon information conveyed in the Electronic Reporting System that a pawnbroker or second-hand dealer is in possession of lost or stolen property.
    a. A 90 day hold is created upon delivery of written or electronic notice that contains the following:
        (1) A description of property being placed on hold;
        (2) The **COMPLAINT REPORT (PD313-152)** number, if issued, for which the property is needed as evidence; and
        (3) The date the notice was delivered to the pawnbroker or second-hand dealer in order to initiate the 90 day time period.

***ADDITIONAL DATA***

*OPERATIONAL CONSIDERATIONS*

*All pawnbrokers MUST keep records using the Department approved Electronic Reporting System of items pledged (sold or pawned).*

*a. Records include the date, time of transaction, photo of item pledged (sold or pawned), etc.*

*b. The approved Department Electronic Reporting System has all of the applicable categories, and all electronically collected data MUST be uploaded daily, by the pawnbroker.*

*Second-hand dealers that deal in certain types of property (e.g., precious metals, electrical appliances [excluding kitchen appliances], electronic equipment, computers or their component parts, etc.) MUST keep records of these transactions using the Department's approved Electronic Reporting System.*

*a. Records include the date, time of transaction, photo of item pledged (sold or pawned), etc.*

*b. Second-hand dealers not dealing in items listed above are not required to upload information into the Department's approved Electronic Reporting System. Manual records in the **SECOND-HAND ARTICLES STORE LOG** must still be maintained.*

*The seller's pedigree information is not required for the electronic record but must be recorded in **SECOND-HAND ARTICLES STORE LOG**.*

*Pawnbrokers and/or second-hand dealers can sometimes unknowingly serve as a "fence" for unscrupulous criminals to sell their stolen products. Members assigned to perform functions relating to pawnbroker and second-hand dealer inspections are reminded that these inspections are designed to uncover administrative violations. They are not for the purpose of uncovering criminal activity.*

***ADDITIONAL DATA (continued)***

*All pawnbrokers and second-hand dealers are required to report on all articles pawned, purchased, or sold. Pawnbrokers and second-hand dealers who actively upload all transactions to the Department's authorized Electronic Reporting System are exempt from the requirement of manually filling out and preserving logs for inspection provided all relevant information (e.g., pedigree information, etc.) is included. By actively uploading their transactions on a daily basis, participating stores are allowing their records to be reviewed via the Electronic Reporting System. Stores are required to upload the day's transactions by the end of each day.*

*A routine visit to pick up slips from the **SECOND-HAND ARTICLES STORE LOG**, or a canvass and follow up by investigators, field intelligence officers, community affairs officers, neighborhood coordination officers, etc., does not constitute an inspection.*

*LEGAL CONSIDERATIONS*

*Both pawnbrokers and second-hand dealers are licensed by the New York City Department of Consumer Affairs. Additional licenses may be required based on the nature of the business contained therein.*

*The focus of inspections is to ensure compliance with current administrative rules and regulations, and to encourage the development of a mutually cooperative relationship between pawnbrokers and second-hand dealers, and this Department. When conducting inspections, members of the service are reminded that such inspections are limited to the public areas of the premises. Entry and inspections of non-public areas is only permissible with consent or a search warrant.*

*For questions about reporting requirements, rules and restrictions imposed on pawnbrokers and second-hand dealers, members of the service may contact the Legal Bureau for guidance. Additionally, members may refer to Legal Bureau Bulletin Vol. 47, No. 3, "Enforcement Action Regarding Pawnbrokers and Second-Hand Dealers."*

*If a pawnbroker or second-hand dealer fails to comply with the reporting requirements set forth in the Administrative Code, the Rules of the City of New York, and the General Business Law, members of the service may contact the Legal Bureau for guidance, between 0700 and 2300 hours, Monday through Friday, and through the Operations Unit, during other than the aforementioned hours.*

*For further guidance on conducting criminal investigations involving stolen property that may be in the possession of a pawnbroker or second-hand dealer, Legal Bureau Bulletin Vol. 47, No. 3, "Enforcement Action Regarding Pawnbrokers and Second-Hand Dealers" should be consulted.*

***RELATED PROCEDURES***

*Citywide Intelligence Reporting System (P.G. 212-12)*
*Search Warrant Applications (P.G. 212-75)*

***FORMS AND REPORTS***

***COMPLAINT REPORT (PD313-152)***
***INSTRUCTIONS TO DEALERS IN SECOND-HAND ARTICLES (PD634-153)***
***SECOND-HAND ARTICLES STORE LOG (PD530-141)***

| Section: Quality Of Life Matters | Procedure No: 214-39 |
|---|---|

# CRITERIA FOR SELECTING A LOCATION FOR INCLUSION IN A MULTI-AGENCY RESPONSE TO COMMUNITY HOTSPOTS (M.A.R.C.H.) OPERATION

| DATE ISSUED: | DATE EFFECTIVE: | REVISION NUMBER: | PAGE: |
|---|---|---|---|
| 09/09/20 | 09/09/20 | | 1 of 4 |

**PURPOSE** To identify appropriate selection criteria to be used in designating an establishment for inclusion in a Multi-Agency Response to Community Hotspots (M.A.R.C.H.) Operation.

**DEFINITIONS** ELIGIBILITY – All commercial establishments either licensed or required to be licensed by State or City agencies, including but not limited to the New York State Liquor Authority (SLA), are subject to inspection at any time the establishment is open to the public. An establishment may be included in a M.A.R.C.H. Operation based on Department issued summonses, arrests, complaint reports, complaints stemming from the community, 911 calls (e.g., assaults, disputes, intoxication, etc.), 311 calls (e.g., noise complaints, underage drinking, etc.), general disorder incidents (e.g., Department response to large crowds, street closures, blocked sidewalks, etc.), business violations (e.g., health code violations, FDNY issued violations, etc.) or lack of cooperation. Property crimes beyond the reasonable control of the establishment or other crimes, if security and other staff acted properly and assisted with police investigations, will not be used as the sole criteria for inclusion in a M.A.R.C.H. Operation.

M.A.R.C.H. OPERATION – A Multi-Agency Response to Community Hotspots designed to direct enforcement efforts at specific establishments which have become a source of complaints from the community and have a negative impact on quality of life conditions in the surrounding neighborhood. A M.A.R.C.H. Operation is overseen by the Mayor's Office of Criminal Justice (MOCJ), and is coordinated by the New York City Police Department's Legal Bureau's Civil Enforcement Unit with assistance from the New York State Liquor Authority (SLA), the New York City Department of Buildings (DOB), the New York City Department of Environmental Protection (DEP), the New York City Fire Department (FDNY) and the Department of Health and Mental Hygiene (DOHMH).

**PROCEDURE** When identifying an establishment for inclusion in a Multi-Agency Response to Community Hotspots (M.A.R.C.H.) Operation:

WHEN DETERMINING IF ESTABLISHMENT IS ELIGIBLE FOR INCLUSION IN A M.A.R.C.H. OPERATION:

**SPECIAL OPERATIONS LIEUTENANT**

1. Maintain an updated list of all establishments licensed by the SLA within confines of precinct based upon type of establishment. License certificates are color coded as follows:
   a. Mixed Use (Purple),
   b. Nightclub/Cabaret (Red),
   c. Restaurant (Olive), and
   d. Other (Blue).

**SPECIAL OPERATIONS LIEUTENANT (continued)**

2. Designate appropriate uniformed member of the service to:
   a. Verify that 311 or community complaints of establishments have come from multiple complainants,
   b. Verify that incidents with a nexus to the establishment have been documented by reviewing appropriate Department records, and
   c. Verify there is evidence that the establishment has failed to cooperate with uniformed members of the service.
3. Notify neighborhood coordination officer when establishment has been identified for potential inclusion in a M.A.R.C.H. Operation.

WHEN ESTABLISHMENT IS DETERMINED TO BE ELIGIBLE FOR POSSIBLE INCLUSION IN A M.A.R.C.H. OPERATION:

**NEIGHBORHOOD COORDINATION OFFICER**

4. Review 311 reports weekly, giving special attention to nightlife hotspots, chronic locations, incidents and establishments.
5. Confer with crime prevention officer and field intelligence officer regarding recorded activity in and around identified M.A.R.C.H. Operation location, and ensure special operations lieutenant is apprised of findings.
6. Confer with Police Service Area/Precinct Community Council and Community Board presidents to identify any undocumented complaints from community.
7. Gather information relative to investigation/operation by using contacts and standing relationships with community members.
   a. DO NOT alert person(s) affiliated with establishment, its patrons or community members of ongoing investigation/operation.
8. Consider whether mediation would be effective before recommending a M.A.R.C.H. Operation be conducted.

**CRIME PREVENTION OFFICER**

9. Review list of establishments and regularly visit those located within precinct.
10. Ensure establishments are familiar with crime prevention strategies and receive related crime prevention written materials.
11. Share findings and/or lack of cooperation in implementation of crime prevention strategies with special operations lieutenant, field intelligence officer, and neighborhood coordination officer.

**SPECIAL OPERATIONS LIEUTENANT**

12. Compile information and data received from crime prevention officer, field intelligence officer and neighborhood coordination officer and deliver forms, reports and/or findings to commanding officer.
    a. Direct the neighborhood coordination officer to prepare **MULTI-AGENCY RESPONSE TO COMMUNITY HOTSPOTS (M.A.R.C.H.) NOTICE (PD635-121)**, if the establishment meets the criteria for inclusion in a M.A.R.C.H. Operation.

**COMMANDING OFFICER**

13. Confer with precinct detective squad commander to ascertain if establishment has cooperated with the Department regarding prior criminal incidents.
14. Review information received and render a decision as to whether establishment should be included in M.A.R.C.H. Operation.
    a. Consult with Legal Bureau, Civil Enforcement Unit prior to designating establishment for inclusion in M.A.R.C.H. Operation.
    b. Direct the neighborhood coordination officer to serve **MULTI-AGENCY RESPONSE TO COMMUNITY HOTSPOTS (M.A.R.C.H.) NOTICE**, if the establishment meets the criteria for inclusion in a M.A.R.C.H. Operation.

WHEN ESTABLISHMENT IS NOTIFIED ABOUT POSSIBLE INCLUSION IN A M.A.R.C.H. OPERATION:

**NEIGHBORHOOD COORDINATION OFFICER**

15. Serve **MULTI-AGENCY RESPONSE TO COMMUNITY HOTSPOTS (M.A.R.C.H.) NOTICE** in person to owner or appropriate representative of establishment approved for inclusion in a M.A.R.C.H. Operation.
    a. Activate body-worn camera when serving **MULTI-AGENCY RESPONSE TO COMMUNITY HOTSPOTS (M.A.R.C.H.) NOTICE**, and comply with *P.G. 212-123, "Use of Body-Worn Cameras,"* as necessary.
    b. Provide steady sector officers with **MULTI-AGENCY RESPONSE TO COMMUNITY HOTSPOTS (M.A.R.C.H.) NOTICE** and advise them to personally serve owner or representative of establishment at least once per tour for three consecutive tours until service is effected, if initial service attempt is unsuccessful.
    c. Forward **MULTI-AGENCY RESPONSE TO COMMUNITY HOTSPOTS (M.A.R.C.H.) NOTICE** to Legal Bureau, Civil Enforcement Unit through channels and confer with Legal Bureau, Civil Enforcement Unit, if attempts to personally serve owner or representative of establishment are unsuccessful.

**DEPARTMENT ATTORNEY, CIVIL ENFORCEMENT UNIT**

16. Liase between Department and City agencies concerned regarding assistance in conducting M.A.R.C.H. Operation.

**COMMANDING OFFICER**

17. Ensure establishment approved for inclusion in a M.A.R.C.H. Operation receives **MULTI-AGENCY RESPONSE TO COMMUNITY HOTSPOTS (M.A.R.C.H.) NOTICE** at least 30 days prior to M.A.R.C.H. operation, when possible.

***ADDITIONAL DATA***

*Providing an establishment with prior written notice of a M.A.R.C.H. Operation is not required when providing such notice would compromise an active criminal investigation, or pose serious risk to the health or safety of persons inside, or in the vicinity of, the establishment. In all cases, notifications must be made to the Legal Bureau, Civil Enforcement Unit and Chief of Patrol prior to conducting a M.A.R.C.H. Operation.*

***RELATED PROCEDURES***

*Use of Body-Worn Cameras (P.G. 212-123)*

***FORMS AND REPORTS***

***MULTI-AGENCY RESPONSE TO COMMUNITY HOTSPOTS (M.A.R.C.H.) NOTICE (PD635-121)***
***Typed Letterhead***

NYPD

**PURPOSE** To refer individuals to community-based mediation programs for certain eligible cases.

**DEFINITIONS** ELIGIBLE CASES – Eligible cases for the purpose of this procedure are as follows:

a. Disagreements among neighbors. Examples include:
   1) Noise: For the purposes of this procedure, noise includes only instances where the volume does not violate any criminal/ administrative code (e.g., noise from an upstairs neighbor walking around at night)
   2) Driveway sharing
   3) Property damage: For the purposes of this procedure, property damage means non-criminal property damage (e.g., a tree falling on a neighbor's fence)
   4) Pets
   5) Lifestyle differences.

b. Disagreements among non-intimate roommates. Examples include:
   1) Household chores
   2) Guest privileges (too many visitors/guests)
   3) Late rent payments.

c. Disagreements with merchants. Examples include:
   1) Defective merchandise
   2) Late delivery.

d. Disagreements with landlords. Examples include:
   1) Refund of security deposit
   2) Damage to the apartment
   3) Violations of the terms of the lease.

Exclusions to "eligible cases" defined above would include cases involving allegations of criminal conduct, unlawful evictions, disputes among intimate partners/family members as defined in *P.G. 208-36, "Family Offenses/Domestic Violence,"* child abuse/neglect or where there is an Order of Protection between the parties.

**PROCEDURE** When a uniformed member of the service is responding to a dispute between individuals as defined above:

**UNIFORMED MEMBER OF THE SERVICE**

1. Determine if situation is eligible for the Mediation Referral Program.
   a. Parties may be eligible if **all** of the following apply:
      (1) No threat of violence
      (2) No allegation of criminal conduct
      (3) No Order of Protection between the parties
      (4) Not family members or intimate partners
      (5) Parties are likely to have an ongoing dispute about the matter.

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

2. Explain the community-based mediation program to involved parties.
   a. Members may refer to the information on the rear of the **REFERRAL TO MEDIATION (PD613-181)**.
3. Explain to the parties that the services are:
   a. Confidential and voluntary
   b. Free and expeditious
   c. Effective in resolving disputes or problem solving
   d. Beneficial, even if only one party participates (i.e., receives information, resources and techniques to resolve problem/issue).

***NOTE*** *Members of the service will make referrals based on program eligibility criteria, the type of dispute, the expressed interest of one or more of the parties and the borough of residence of involved parties.*

4. Complete all captions on the front of the **REFERRAL TO MEDIATION**.
   a. Ensure that all parties' names, addresses, and telephone numbers are legible, as the mediation centers rely on this information to contact the involved parties.
   b. Confirm telephone numbers are in working order by placing a call to the number provided, if possible.
5. Inform all parties that a trained mediator will contact them to schedule an appointment at a mutually convenient time and location.
6. Make a digital **Activity Log** entry.
7. Submit completed **REFERRAL TO MEDIATION(S)** to desk officer at end of tour.

**DESK OFFICER**

8. Review all **REFERRAL TO MEDIATION(S)** for completeness and accuracy.
   a. If any phone number(s) are omitted, request submitting member to obtain phone number(s), if applicable.
9. Create a precinct file and sequentially number each **REFERRAL TO MEDIATION(S)** received.
   a. Create a unique serial number that includes four digit year, and three digit command number followed by a four digit number, starting with 0001 each year (e.g., 2018-034-0001).
10. Retain original copy of **REFERRAL TO MEDIATION(S)** for precinct file, and scan and email it to the appropriate Community Dispute Resolution Center, indicated on the reverse side of the **REFERRAL TO MEDIATION**.
    a. Ensure copy is scanned and emailed to patrol borough concerned.

**SPECIAL OPERATIONS LIEUTENANT**

11. Inspect precinct file and review **REFERRAL TO MEDIATION(S)** on a weekly basis.

**PATROL BOROUGH**

12. Review **REFERRAL TO MEDIATION(S)** to ensure compliance with the Mediation Referral Program.

***ADDITIONAL DATA***

*OPERATIONAL CONSIDERATIONS*

*It is important to emphasize that this procedure is **not** to be used in lieu of an enforcement action. It is reserved for instances when there is no basis to take an enforcement action. Moreover, in instances where only one party is present, or only one party agrees to the mediation, members should still make the referral. If contact information is only available for one party, complete the appropriate section of **REFERRAL TO MEDIATION** and write "UNK" in the caption for the second party.*

***RELATED PROCEDURES***

*Family Offenses/Domestic Violence (P.G. 208-36)*

***FORMS AND REPORTS***

***REFERRAL TO MEDIATION (PD613-181)***

NYPD

**PURPOSE** To obtain care and/or shelter for a child/minor under eighteen.

**SCOPE** A child/minor less than eighteen years of age may require care and/or shelter for the following reasons:

a. Abandoned by parents or persons legally responsible for care and/or shelter, OR
b. Neglected by parents or persons legally responsible for care and/or shelter, OR
c. Abused by parents, persons legally responsible for care and/or shelter or adult member of household, OR
d. Sick, injured, lost or stranded who resides outside of the city and parents or persons legally responsible for care and/or shelter cannot arrange for return to residence, OR
e. Without care or supervision due to hospitalization, death or arrest of parent or person legally responsible for care and/or shelter.

**PROCEDURE** Upon determining that a child/minor requires care and/or shelter:

**UNIFORMED MEMBER OF THE SERVICE**

1. Inquire if relative or friend will provide care and/or shelter for child/minor.
   a. Comply with *P.G. 215-03, "Emergency Removals or Investigations and Reporting of Abused, Neglected, or Maltreated Children,"* if reasonable suspicion exists that a child requiring care and/or shelter has been abused, neglected, or abandoned.
   b. Consult with parent/guardian, relative or friend to determine if child has a medical, behavioral, or psychological condition, secure any required medication, and comply with *P.G. 216-01, "Aided Cases General Procedure"* and/or *P.G. 221-13, "Mentally Ill or Emotionally Disturbed Persons,"* as necessary.
2. Notify patrol supervisor, if relative or friend are not readily available.
   a. Notify Administration for Children's Services (ACS) if relative or friend are not available to care for child.
3. Remove child/minor to Child Advocacy Center (CAC) (see *"ADDITIONAL DATA"* for locations), if relative or friend are not readily available.
   a. Inform CAC that child/minor will be transported to location as appropriate.
   b. Remain with child/minor until pickup by relative, friend or ACS.
4. Remove child/minor to command, if CAC is closed or relative or friend are unavailable.
   a. Notify command youth coordination officer, when available, that child/minor is in command.
5. Notify School Safety Division, Operation Center, immediately, if a Department of Education employee, acting in his/her official capacity, transfers custody of child/minor to Department personnel for sole purpose of having ACS provide shelter.

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

a. Include child's/minor's name, age, grade, school and Department of Education employee's name and title.

6. If child/minor requiring care and/or shelter has been abused, neglected, maltreated, or requires shelter, make notifications as follows:
   a. New York State Child Abuse and Maltreatment Register (State Central Registry), AND
      (1) If the State Central Registry refuses to accept a case, enter the time and name of person contacted in the Telephone Record
         (a) If the State Central Registry refuses to accept a case, where child/minor requires shelter, contact ACS Office of Safety First, Monday thru Friday (0900-1700 hours), or after business hours, ACS Emergency Children's Services
   b. ACS borough field office (0900-1700 hours) or ACS Emergency Children's Services after business hours, AND
   c. ACS Instant Response Team (IRT) Coordinator.

***NOTE*** *The arrest of a parent/guardian does not in and of itself mandate a notification to the State Central Registry and ACS, and should not be made unless reasonable cause exists that the child is abused, neglected or maltreated, or an alternate caregiver cannot be located. However, a notification will be made if a parent/guardian is arrested and ACS Emergency Children's Services is required to arrange shelter for a child. If any questions exist as to whether a notification should be made, uniformed members of the service are to contact the Legal Bureau.*

7. Confer with ACS Emergency Children's Services if CAC is closed and relative or friend are not available, and request representative be sent to command to provide necessary transportation to shelter.
   a. Assign female uniformed member of the service or other available uniformed member of the service to escort child to shelter, if ACS Emergency Children's Services is unable to provide transportation.

**DESK OFFICER**

8. Ensure notifications are made, as appropriate.

**UNIFORMED MEMBER OF THE SERVICE**

9. Make digital **Activity Log** entry and prepare **AIDED REPORT**, including:
   a. Date, time and location where child/minor found, or removed from and/or to
   b. Physical description of child/minor, including clothing, name, age, address, school, grade, emotional and physical condition
   c. Name, address and phone number of person who found child/minor, if applicable
   d. Name and address of parents or persons legally responsible for child/minor, if known
   e. Name, title, school and phone number of Department of Education employee transferring custody of child/minor, if applicable

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

f. Date, time, name and title of School Safety Division, Operation Center member notified, if applicable

g. Particular circumstances causing the need to provide care and/or shelter.

**DESK OFFICER**

10. Forward copy of computerized **AIDED REPORT** to youth coordination officer in command where child is located, if child/minor is left with relative or friend not residing in household.

**DOMESTIC VIOLENCE PREVENTION OFFICER, COMMAND OF RESIDENCE**

11. Confirm that parent/guardian is still in custody.
    a. If parent/guardian is still in custody, conduct home visit of child/minor by third calendar day from when parent/guardian was arrested.
        (1) If during visit, there is evidence of abuse, maltreatment, or neglect, comply with *P.G. 215-03, "Emergency Removals or Investigation and Reporting of Abused, Neglected, or Maltreated Children,"* and prepare **REPORT OF SUSPECTED CHILD ABUSE OR MALTREATMENT (PD377-154)**.
    b. If child/minor is located in another command, notify domestic violence sergeant.

**DOMESTIC VIOLENCE SERGEANT, COMMAND OF RESIDENCE**

12. Confer with domestic violence sergeant, command of temporary residence, to ensure domestic violence prevention officer, command of temporary residence, conducts home visit of child/minor, as appropriate.

**DOMESTIC VIOLENCE PREVENTION OFFICER, COMMAND OF TEMPORARY RESIDENCE**

13. Conduct home visit of child/minor, as necessary.

***ADDITIONAL DATA***

*Under no circumstances shall a charge of any kind be filed against a child who is abandoned, neglected, abused, lost, stranded, and has not committed any offense, or who for any reason, is to be delivered to a place of shelter or safekeeping. Such children shall be recorded as aided cases.*

*Comply with P.G. 216-01, "Aided Cases General Procedure" and P.G. 216-03, "Unidentified Persons," if necessary, when notified by Administration for Children's Services that a child has been removed without police assistance from a location in the absence of a parent or person legally responsible for care. The parent or person legally responsible for care will not be informed of the child's location, but will be directed to contact the caseworker.*

*A person eighteen years of age and older who is stranded without shelter, can be referred to the Emergency Assistance Unit of Human Resources Administration.*

***ADDITIONAL DATA (continued)***

*Child Advocacy Centers*

*Manhattan Child Advocacy Center*
*1753 Park Avenue, Second Floor,*
*New York, New York 10035*
*Phone: (646) 695-6100*
*Mon. thru Fri. 0900 hours to 2100 hours*
*Sat. and Sun. 1000 hours to 1800 hours*

*Brooklyn Child Advocacy Center*
*320 Schermerhorn Street,*
*Brooklyn, New York 11201*
*Phone: (718) 330-5400*
*Mon. thru Fri. 0800 hours to 2300 hours*
*Sat. and Sun. 0900 hours to 2000 hours*

*Bronx Child Advocacy Center*
*1775 Grand Concourse, Fifth Floor*
*Bronx, New York 10453*
*Phone: (929) 265-3600*
*Mon. thru Fri. 0900 hours to 2200 hours*

*Queens Child Advocacy Center*
*112-25 Queens Blvd, Third Floor*
*Forest Hills, New York 11375*
*Phone: (718) 575-1342*
*Mon. thru Fri. 0900 hours to 2300 hours*
*Sat. and Sun. 1100 hours to 1900 hours*

*Staten Island Child Advocacy Center*
*130 Stuyvesant Place, Fifth Floor*
*Staten Island, New York 10301*
*Phone: (718) 566- 4052*
*Mon. thru Fri. 0800 hours to 2100 hours*
*Sat. and Sun. 1100 hours to 1900 hours*

***RELATED PROCEDURES***

*Emergency Removals or Investigations and Reporting of Abused, Neglected, or Maltreated Children (P.G. 215-03)*
*Runaway Children (P.G. 215-05)*
*Aided Cases General Procedure (P.G. 216-01)*
*Unidentified Persons (P.G. 216-03)*

***FORMS AND REPORTS***

***AIDED REPORT***
***REPORT OF SUSPECTED CHILD ABUSE OR MALTREATMENT (PD377-154)***

NYPD

# PATROL GUIDE

| Section: Juvenile Matters | | Procedure No: 215-02 | |
|---|---|---|---|
| **LOST CHILD** | | | |
| DATE ISSUED: 06/23/20 | DATE EFFECTIVE: 06/23/20 | REVISION NUMBER: | PAGE: 1 of 1 |

**PURPOSE** To locate relatives or friends of a lost child.

**PROCEDURE** When attention is drawn to an apparently lost child:

**UNIFORMED MEMBER OF THE SERVICE**

1. Notify desk officer/counterpart and radio dispatcher.
2. Make brief inquiry in vicinity of place where found.
3. Bring child to command if relative not located.
4. Prepare **AIDED REPORT**.

**DESK OFFICER**

5. Telephone Missing Persons Squad and give description.
6. Complete captions on **AIDED REPORT** and process in normal manner:
   a. Assign female uniformed member of the service to watch child in the command, if available, or other available uniformed member of the service, when necessary.
   b. Notify youth coordination officer.
   c. If child is not claimed within a reasonable amount of time, notify the Administration for Children's Services (ACS) and request that they send a representative to the stationhouse to provide necessary transportation to shelter. (See ADDITIONAL DATA, *P.G. 215-03, "Emergency Removals Or Investigations And Reporting Of Abused, Neglected Or Maltreated Children,"* for addresses of Administration for Children's Services [ACS] borough field offices and ACS Emergency Children's Services.)
   d. If the Administration for Children's Services is unable to provide transportation, assign a female uniformed member of the service, if available, or other available uniformed members of the service, to escort child to the shelter.
   e. Inform Missing Persons Squad if child is moved to another location.
7. In cases that could involve abuse, neglect, maltreatment or abandonment, prepare **REPORT OF SUSPECTED CHILD ABUSE OR MALTREATMENT (PD377-154)** and related forms, as required.
   a. Notify precinct detective squad if the child is eleven years of age or older OR Special Victims Division if child is under eleven years of age.
   b. For allegations made of any sex crime to any child, notify the Special Victims Division.

***RELATED PROCEDURES***

*Unidentified Persons (P.G. 216-03)*
*Children or Minors Requiring Care and/or Shelter (P.G. 215-01)*
*Emergency Removals Or Investigations And Reporting Of Abused, Neglected Or Maltreated Children (P.G. 215-03)*

***FORMS AND REPORTS***

***AIDED REPORT***
***REPORT OF SUSPECTED CHILD ABUSE OR MALTREATMENT (PD377-154)***

**PURPOSE** To protect children from abuse, neglect or maltreatment by instituting emergency removal proceedings if a child is in imminent danger, or conduct an investigation of a potential abuse situation where a child is in no imminent danger, and report the findings to the appropriate authorities.

**DEFINITIONS**

INSTANT RESPONSE TEAM (IRT)
A team composed of Administration for Children's Services (ACS) caseworkers and members from the Special Victims/Precinct Detective Squads and/or patrol personnel, as required in certain cases.

POLICE ESCORT
Allegations of child abuse received by ACS caseworkers may contain information about drugs, guns, or violent incidents in a household. In such cases, the protocol between ACS and the Department requires that ACS caseworkers present themselves to the desk officer in the precinct of occurrence and request a police escort to the location of the alleged incident. The duty of the police assigned to escort duty is to ensure the safety of all concerned and investigate possible criminal activity.

ABUSED CHILD (SECTION 1012, FAMILY COURT ACT)
Means a child less than eighteen years of age whose parent or person legally responsible for his care:

a. Inflicts or allows to be inflicted upon such child, physical injury by other than accidental means which causes or creates a substantial risk of death, or serious or protracted disfigurement, or protracted impairment of physical or emotional health, or protracted loss or impairment of the function of any bodily organ, OR

b. Creates or allows to be created, a substantial risk of physical injury to such child other than by accidental means which would be likely to cause death, or serious or protracted disfigurement, or protracted impairment of physical or emotional health, or protracted loss or impairment of the function of any bodily organ, OR

c. Commits or allows to be committed, a sex offense against such child as defined in the Penal Law; allows, permits or encourages such child to engage in any act described in Sections 230.25, 230.30, and 230.32 of the Penal Law; commits any of the acts in Section 255.25 of the Penal Law; or allows such child to engage in acts or conduct described in Article 263 of the Penal Law provided, however, that (a) the corroboration requirements contained in the Penal Law (b) the age requirement for the application of Article 263 of such law shall not apply to proceedings under this Article.

**DEFINITIONS (continued)**

NEGLECTED CHILD (SECTION 1012, FAMILY COURT ACT)
Means a child less than eighteen years of age whose physical, mental or emotional condition has been impaired or is in imminent danger of becoming impaired as a result of the failure of his parent or other person legally responsible for his care to exercise a minimum degree of care:

a. In supplying the child with adequate food, clothing, shelter or education in accordance with provisions Part 1 of Article 65 of the Education Law, or medical, dental, optometric or surgical care, though financially able to do so or offered financial or other reasonable means to do so; or
b. In providing the child with proper supervision or guardianship, by unreasonably inflicting or allowing to be inflicted harm, or a substantial risk thereof, including the infliction of excessive corporal punishment; or by misusing a drug or drugs; or by misusing alcoholic beverages to the extent that he loses self-control of his actions; or by any other acts of a similarly serious nature requiring the aid of the court; provided, however, that where the respondent voluntarily and regularly participates in a rehabilitative program, evidence that the respondent has repeatedly misused a drug or drugs or alcoholic beverages to the extent that he, losing self-control of his actions, shall not establish that the child is a neglected child, in the absence of evidence establishing that the child's physical, mental or emotional condition has been impaired or is in imminent danger of becoming impaired.
c. Who has been abandoned, in accordance with the definition and other criteria set forth in subdivision five of Section 384b, of the Social Services Law, by his parents or others persons legally responsible for his care.

MALTREATED CHILD (SECTION 412, SOCIAL SERVICES LAW)
Includes a child under eighteen years of age:

a. Defined as a neglected child by the Family Court Act;
b. Who has had serious physical injury inflicted upon him by other than accidental means, OR
c. A child under the age of eighteen years of age who is in residential care and whose custodian impairs, or places in imminent danger of becoming impaired, the child's physical, mental or emotional condition.

PERSON LEGALLY RESPONSIBLE (SECTION 1012, FAMILY COURT ACT)
Includes the child's custodian, guardian or any other person responsible for the child's care at the relevant time. Custodian may include any person continually or at regular intervals found in the same household as the child when the conduct of such person causes or contributes to the abuse or neglect of the child.

FAMILY/HOUSEHOLD (AS DEFINED IN FAMILY COURT ACT), INCLUDES PERSONS WHO:

a. Are legally married to one another.
b. Are related by blood (consanguinity).
c. Were formerly legally married to one another.
d. Are related by marriage (affinity).
e. Have a child in common regardless of whether such persons have lived together at any time

**DEFINITIONS (continued)**

f. Are not related by consanguinity (blood) or affinity (marriage) and who are, or have been, in an intimate relationship regardless of whether such persons have lived together at any time.

***NOTE***

*A common sense standard regarding the totality of the circumstances involving the relationship should be used to determine if an "intimate relationship" exists. Factors a member of the service may consider in determining whether a relationship is an "intimate relationship" include but are not limited to: the nature or type of relationship (the relationship between the involved parties does not have to be sexual in nature to be considered "intimate"); the frequency of interaction between persons; and the duration of the relationship. Neither a casual acquaintance nor ordinary fraternization between two individuals solely in a business, educational, or social context shall be deemed to constitute an "intimate relationship." If unable to determine if the relationship in question is an "intimate relationship," the member of the service concerned will request the response of the patrol supervisor.*

*Additional factors that may assist in determining the intimacy of a relationship include, but are not limited to: amount of time spent together in either a work or leisure related capacity, shared expenses and/or finances, extent of interaction with family members, etc.*

*All members of the service are reminded that their primary responsibility is to ensure the immediate and future safety of all parties involved in domestic violence incidents.*

FAMILY/HOUSEHOLD (EXPANDED DEFINITION) INCLUDES SUBDIVISIONS "A" THROUGH "F" ABOVE, AND PERSONS WHO:

g. Are currently living together in a family-type relationship.

h. Formerly lived together in a family-type relationship.

A family/household thus includes: "common-law" marriages, same sex couples, registered NYC domestic partners, different generations of the same family, siblings, in-laws, persons involved in "intimate relationships", and persons who live or have lived together in a family-type relationship.

**PROCEDURE**

Upon making a reasonable determination that a child has been, is believed to be, or may be abused, neglected or maltreated:

WHEN IMMINENT DANGER TO CHILD'S LIFE OR HEALTH EXISTS:

**UNIFORMED MEMBER OF THE SERVICE**

1. Request response of patrol supervisor.

***NOTE***

*Uniformed members providing a police escort for ACS caseworkers to households where guns, drugs, etc. may be present and/or violent incidents have been reported, must request the response of the patrol supervisor to their location.*

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

2. Remove child from home, with consent of parents, or person legally responsible for care, if reasonable cause to believe continued presence therein presents an imminent danger to the child's life or health.

**PATROL SUPERVISOR**

3. Direct member to take the child into protective custody without permission if reasonable cause to believe that continued presence of the child in the home is imminently dangerous to life or health and there is not sufficient time to apply for a court order.

***NOTE***

*An emergency removal without a court order may be performed by the following persons: peace officer, police officer, an agent of a duly incorporated Society for the Prevention of Cruelty to Children, a designated employee of a city or county Department of Social Services. The Family Court Act Sec. 1024 and Social Service Law Sec. 417 give ACS the same powers of removal as police officers. Once any authorized person decides to conduct an emergency removal, no member of this Department will revoke that decision.*

*The presence of diplomatic immunity on any person present, or the residence itself, shall not be a factor in the emergency removal analysis. Members of the service are reminded that such incidents require the commanding officer/duty captain to directly supervise the removal and comply with P.G. 212-56, "Diplomatic Incidents" including the required notifications.*

IF PROBABLE CAUSE EXISTS THAT A CRIME HAS BEEN COMMITTED AGAINST A CHILD BY A FAMILY MEMBER:

**UNIFORMED MEMBER OF THE SERVICE**

4. Arrest perpetrator, if present, for appropriate offense(s) and comply with the pertinent provisions of *P.G. 208-36 "Family Offenses/Domestic Violence."*

***NOTE***

*The perpetrator arrested will not be eligible for a Desk Appearance Ticket (DAT). The non-abusing parent/legally responsible person will be encouraged to contact Safe Horizon for services to assist child. Members of the service should recognize that there is a strong correlation between child abuse and domestic violence; therefore, when a uniformed member of the service responds to the scene of suspected child abuse, the member of the service will look for indicators of domestic violence or other family offenses such as the existence of an order of protection, abuse of spouse, parent, etc. If an existing order has been violated, the member will take appropriate action (i.e., effect an arrest or prepare* ***COMPLAINT REPORT WORKSHEET [PD313-152a]****).*

5. Prepare a **New York State Domestic Incident Report (DCJS-3221**) in ALL cases in which a member of the service responds to OR is apprised of an offense, altercation, disturbance, conflict or dispute involving members of the same family/household, including any allegation of child abuse, neglect or maltreatment.
   a. If prepared in response to a radio run, include ICAD Incident number on form.

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

b. Give complainant/victim copy of both pages of the **New York State Domestic Incident Report** (pink copies) and the "Victim Rights Notice" (pink copy) to complainant/victim, if present.

c. Advise the non-abusing parent/legally responsible person of availability of shelter and other services.

**PATROL SUPERVISOR**

6. Direct uniformed member of the service to serve **NOTICE-TEMPORARY REMOVAL OF CHILD AND RIGHT TO HEARING (PD377-156)** on parent or person legally responsible for care, if child removed, without court order.
   a. Copy of **NOTICE** will be affixed to door of residence, if parent/legally responsible person, not present.

**UNIFORMED MEMBER OF THE SERVICE**

7. Remove child to Child Advocacy Center (CAC) (see "*ADDITIONAL DATA*," *P.G. 215-01, "Children or Minors Requiring Care and/or Shelter*," for addresses of Child Advocacy Centers) or command, except if medical attention is required, in which case immediately take child to appropriate hospital facility.
   a. Remain with child/minor until pickup by relative, friend or ACS.
8. Make notifications, in all cases, as follows:
   a. New York State Child Abuse and Maltreatment Register (State Central Registry), AND
      (1) If the State Central Registry refuses to accept a case, enter the time and name of person contacted in the Telephone Record
   b. Administration for Children's Services (ACS) borough field office (0900-1700 hours) or ACS Emergency Children's Services after business hours, AND
   c. ACS Instant Response Team (IRT) Coordinator.

***NOTE*** *In cases referred to a detective squad (e.g., homicides or special victims' cases), the assigned detective will notify the IRT hotline. Police officers are mandated to report child abuse and neglect to the New York State Central Registry of Child Abuse. Notification to the ACS IRT hotline* ***DOES NOT*** *substitute for the required notification to the State Central Registry. Police personnel will continue to notify the State Central Registry in accordance with step "8" of this procedure.*

9. Prepare and submit following forms to desk officer with the **New York State Domestic Incident Report**:
   a. **AIDED REPORT**
   b. **COMPLAINT REPORT WORKSHEET** and refer active cases as follows:
      (1) Special Victims Division - All sex crimes or attempts against any person of any age

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

(2) Special Victims Division - Any allegation that a child LESS THAN ELEVEN YEARS OF AGE is the victim of abuse inflicted by a parent or person legally responsible for the child's care (as described above)

(3) Precinct detective squad concerned – in all other cases.

***NOTE*** *In all the above cases, enter the name of the investigator notified and the log or case number assigned, under the "Notifications To" section on the rear of the* ***COMPLAINT REPORT WORKSHEET****.*

*Assigned investigator will confer with precinct youth coordination officer, domestic violence prevention officer, domestic violence investigator and appropriate field office of Administration for Children's Services (ACS) to determine if additional information is available.*

c. **REPORT OF SUSPECTED CHILD ABUSE OR MALTREATMENT (PD377-154)**

d. Remaining copies of **NOTICE - TEMPORARY REMOVAL OF CHILD AND RIGHT TO HEARING**.

(1) Copy of **NOTICE** must be mailed to residence, if known, of parents/legally responsible person within twenty-four hours, if such persons were not personally served with **NOTICE**.

***NOTE*** *If child was removed from 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 hours. In addition, the member serving or mailing the* ***NOTICE*** *must also prepare the* ***AFFIDAVIT****. The results of the attempted notification to parent/person legally responsible for care will be included in the* ***AFFIDAVIT*** *forwarded to Family Court. File copies of* ***NOTICE*** *and* ***AFFIDAVIT*** *will be forwarded to precinct of occurrence for filing.*

e. **AFFIDAVIT OF SERVICE OF NOTICE OF RIGHT TO HEARING (PD377-155)**.

***NOTE*** *Comply with P.G. 216-03, "Unidentified Persons," if parent/person legally responsible for care is not notified of removal. If identity of parent(s)/person(s) legally responsible for care or residence of child is not known or is outside New York City, the assigned detective will conduct the investigation and have appropriate notifications made, if possible.*

**DESK OFFICER**

10. Review **REPORT OF SUSPECTED CHILD ABUSE OR MALTREATMENT** for accuracy and completeness.

11. Secure shelter for child and comply with *P.G. 215-01, "Children or Minors Requiring Care and/or Shelter."*

***NOTE*** *Under **no** circumstances will a child victim of a crime or abuse committed by a parent or person legally responsible for care be returned to the home by any member of this Department.*

**DESK OFFICER (continued)**

12. Countersign **AFFIDAVIT OF SERVICE OF NOTICE OF RIGHT TO HEARING** and forward to Family Court of borough wherein removal occurred within twenty-four hours, exclusive of weekends and holidays.
    a. Ensure that **AFFIDAVIT** indicates whether **NOTICE** was served personally, affixed to door and copy mailed to residence, or whether residence could not be determined after reasonable investigation.
    b. Forward copy of **AFFIDAVIT** and **NOTICE** to precinct youth coordination officer.
13. Advise parent/person legally responsible for care to contact the appropriate Administration for Children's Services (ACS) borough field office (0900x1700 hours) or ACS Emergency Children's Service after business hours, if additional information is required.

***NOTE*** *A **REPORT OF SUSPECTED CHILD ABUSE OR MALTREATMENT MUST** be prepared whenever a member of the service reasonably suspects that a child is abused, neglected or maltreated whether or not the State Central Registry accepts notification of the facts (see ADDITIONAL DATA which outlines pertinent provisions of Section 413 of the Social Services Law). Willful failure to make such notification is a Class "A" Misdemeanor. Further, civil liability may result for the damages caused by such failure (Section 420, Social Service Law).*

14. Obtain registry number and enter on **REPORT OF SUSPECTED CHILD ABUSE OR MALTREATMENT** in box captioned "State Registry Number."
15. Forward **REPORT OF SUSPECTED CHILD ABUSE OR MALTREATMENT** in a sealed envelope with next Department mail, as follows:
    a. Original and second copy to Administration for Children's Services field office in the borough where the child resides.
        (1) To Manhattan Field Office, Administration for Children's Services, for children who do not reside with parents/persons legally responsible for care (e.g., group homes, day care, etc.) or children who reside outside city.

***NOTE*** *Have form delivered via appropriate precincts as outlined in ADDITIONAL DATA.*

    b. Third copy - to precinct youth coordination officer.
    c. Fourth copy - to Youth Strategies Division (with copy of computerized **AIDED REPORT** attached).
    d. Make and attach copy of said form to the **New York State Domestic Incident Report** precinct file copy.

REASONABLE SUSPICION OF ABUSE/NEGLECT/MALTREATMENT BUT NO IMMINENT DANGER TO LIFE OR HEALTH OF CHILD:

**UNIFORMED MEMBER OF THE SERVICE**

16. Prepare **REPORT OF SUSPECTED CHILD ABUSE OR MALTREATMENT** and submit to desk officer together with the **New York State Domestic Incident Report**.
    a. Indicate under "Details" section of **REPORT** all pertinent information that will assist in the investigation.

***NOTE***

*The State Central Registry accepts a broad range of cases from all mandated reporters (e.g., teachers, doctors, police, etc.) as well as from the general public relating to crimes against children. Some of these reports will be faxed to the Special Victims Division Instant Response Tracking Unit (IRTU) as a Law Enforcement Referral (LER). Personnel at that unit will determine the appropriate police response, which may include referral to a patrol precinct for initial investigation, and/or preparation of a* ***COMPLAINT REPORT*** *and referral to the appropriate detective squad.*

**DESK OFFICER**

17. Have **COMPLAINT REPORT** prepared marked "Investigate Child Abuse" and refer as directed in step "9," subdivision "b," above.
18. Comply with steps "8," "10," "14" and "15," above.

**YOUTH COORDINATION OFFICER**

19. Inspect all copies of form **REPORT OF SUSPECTED CHILD ABUSE OR MALTREATMENT** prepared, or those received from other than Patrol Services Bureau commands, i.e. Housing Bureau and Transit Bureau.
20. Review other precinct records and confer with domestic violence sergeant and assigned detective squad investigator to develop further information.
    a. Check **JUVENILE REPORT SYSTEM WORKSHEET (PD377-151A)**, **COMPLAINT INDEX (PD313-141)**, **AIDED INDEX (PD304-101)**, **New York State Domestic Incident Reports**, etc., for previous contacts with the child or other children residing in the same household.
21. Establish a file folder in a secured cabinet for each abused/neglected/ maltreated child, both for emergency removals and those investigated and reported to appropriate authorities:
    a. Assign a Precinct Serial # beginning with # one (1) for the first incident each year and enter on **REPORT OF SUSPECTED CHILD ABUSE OR MALTREATMENT**.
    b. Maintain an Index Sheet on inside front cover of folder captioned as follows:

| DATE OF OCCURRENCE | PRECINCT SERIAL # | NAME/ADDRESS OF CHILD | RESIDENT PRECINCT | DIR # |
|---|---|---|---|---|

**COMPLAINT # AND ARREST #, IF APPLICABLE**

**YOUTH COORDINATION OFFICER (continued)**

22. Maintain the following documents in each folder:
    a. Copy of computerized **AIDED REPORT**, if prepared.
    b. Copy of **COMPLAINT REPORT**, with copy of **OLBS WORKSHEET**, if applicable.
    c. Copy of **REPORT OF SUSPECTED CHILD ABUSE OR MALTREATMENT** form.
    d. Copy of **NOTICE - TEMPORARY REMOVAL OF CHILD AND RIGHT TO HEARING**, if prepared.
    e. Copy of **AFFIDAVIT OF NOTICE OF RIGHT TO HEARING**, if prepared.
    f. Photocopy of **New York State Domestic Incident Report**.
    g. Other appropriate documents re: abused child.
23. Review copies of all forms maintained in folders and become familiar with persons or incidents involving child abuse/neglect/maltreatment, which have occurred within command.
    a. Ascertain that the appropriate procedures and notifications have been complied with.
    b. If review discloses additional information warranting further investigation, prepare **COMPLAINT FOLLOW-UP INFORMATIONAL (PD313-081C)** and forward to detective squad concerned.
24. Make a copy of **REPORT OF SUSPECTED CHILD ABUSE OR MALTREATMENT** maintained in file, indicate results of review on rear of form and forward to Youth Strategies Division.
25. Maintain liaison with appropriate Administration for Children's Services field offices.

**YOUTH STRATEGIES DIVISION**

26. Maintain a file folder in a secured cabinet for each **REPORT OF SUSPECTED CHILD ABUSE OR MALTREATMENT** received.
27. Forward copy of **REPORT OF SUSPECTED CHILD ABUSE OR MALTREATMENT** to youth coordination officer of precinct of residence, if other than precinct of occurrence.
28. Make necessary information available to appropriate members of the service and authorized public agencies.

**DOMESTIC VIOLENCE PREVENTION OFFICER**

29. Review **New York State Domestic Incident Report** for accuracy and completeness.
30. Forward copy of **New York State Domestic Incident Report** to precinct detective squad investigator.
31. Forward **New York State Domestic Incident Report** including copies of **REPORT OF SUSPECTED CHILD ABUSE OR MALTREATMENT**, when attached, to domestic violence sergeant to maintain in file.
32. Monitor at-risk locations and victims.
33. Relay information of any other offenses committed within the household from where the child was removed to the youth coordination officer and the assigned detective squad investigator, and prepare required forms, as necessary.

**DOMESTIC VIOLENCE PREVENTION OFFICER (continued)**

34. Maintain contact with complainants and advise them of their rights and the availability of shelter.

***ADDITIONAL DATA***

*Addresses of Administration for Children's Services (ACS) borough field offices, open Monday through Friday, 0900 to 1700 hours, are listed below. After business hours, notify the ACS Emergency Children's Services:*

*Administration for Children's Services Applications*
*Manhattan Field Office*
*150 William Street*
*New York, New York 10038*
*Via 1st Precinct*

*Administration for Children's Services Applications*
*Brooklyn Field Office*
*1274 Bedford Avenue*
*Brooklyn, New York 11216*
*Via 88th Precinct*

*Administration for Children's Services Applications*
*Bronx Field Office*
*192 East 151st Street*
*Bronx, New York 10451*
*Via 44th Precinct*

*Administration for Children's Services Applications*
*Queens Field Office*
*165-15 Archer Avenue*
*Jamaica, New York 11433*
*Via 103rd Precinct*

*Administration for Children's Services Applications*
*Staten Island Field Office*
*350 St. Mark's Place*
*Staten Island, New York 10301*
*Via 120th Precinct*

*Desk officers in the above precincts will ensure that mail is delivered to the appropriate field offices on a daily basis except for Saturday and Sunday.*

*The pertinent provisions of Section 413 of the Social Services Law, with new material underlined, reads as follows: "Police officers are required to report or cause a report to be made when they reasonably suspect that a child coming before them in their professional or official capacity is an abused or maltreated child, or <u>when they reasonably suspect that a child is an abused or maltreated child where the parent or the person legally responsible for such child comes before them in their professional or official capacity and states from personal knowledge facts, conditions or circumstances which if correct, would render the child an abused or maltreated child</u>."*

*Any person or institution acting in good faith in the removal or keeping of a child pursuant to Section 1024 of the Family Court Act shall have immunity from any liability, civil or criminal, that might otherwise be incurred or imposed as a result of such removal or keeping.*

***ADDITIONAL DATA (continued)***

*Borough Family Court Locations:*

| | |
|---|---|
| *Manhattan* | *60 Lafayette Street* |
| *Bronx* | *900 Sheridan Avenue* |
| *Brooklyn* | *283 Adams Street* |
| *Queens* | *89-14 Parsons Blvd.* |
| *Staten Island* | *100 Richmond Terrace* |

*INFORMATION SHARING WITH ACS*

*Certain categories of information may not be released to ACS. These include:*

*a. sealed records (except when an unsealing order has been issued by a superior court)*
*b. the identity of adult victims of sex crimes (unless such victims provide written consent)*

*The Department may provide the following information to caseworkers from ACS who are conducting an investigation:*

*a. the name and identity of a child victim/child sex crime victim when ACS is investigating the same incident*
*b. statements made by a victim*
*c. witness information*
*d. names and addresses of family members*
*e. the existence of an order of protection*
*f. the detention location of defendants in arrest situations*
*g. information contained in arrest and* ***COMPLAINT REPORTS*** *(except sealed records)*
*h. information contained in* ***New York State Domestic Incident Reports****.*

*According to Social Service Law Section 422 (4)(A)(I), ACS records may be disclosed when necessary to conduct a criminal investigation or prosecution of a person when there is reasonable cause to believe that such person is the subject of a Report and that due to the nature of the crime, such records may be related to the investigation or prosecution. The type of reports that can be disclosed by ACS to the NYPD are:*

*A. Oral Transmittals (ORT) or State Central Registry (SCR) Child Abuse/Neglect Intake Reports - Upon written agreement, in the appropriate circumstances these reports will be provided to the NYPD.*

*B. Protective Records Disclosure*

- *Current investigations.*
- *Indicated Reports - information from ongoing or prior indicated reports.*
- *Unfounded reports dated post 2/12/96 - no information can be disclosed except to the extent the information is incorporated into the records of a current investigation.*
- *Unfounded reports dated prior to 2/12/96 - no information can be disclosed concerning these reports.*

*C. Foster Care Records - May be disclosed only with written permission of the State Department of Social Services or by a Court Order when required for a trial and notice is given to all parties.*

*D. Preventive Case Records - These records may only be disclosed by court order.*

***ADDITIONAL DATA (continued)***

*ACS staff may verbally disclose the information allowed under the law while responding jointly with law enforcement. However, a formal written request for the information indicating that the request is in compliance with the aforementioned Social Service Law must be forwarded to ACS as soon as possible. ACS staff also share the SCR report on an Instant Response Team Protocol case with this Department.*

*Any questions relating to the release of information to ACS should be directed to the Legal Bureau.*
*Radio code signals to report child abuse are:*

- ***10-90J(1) - New York State Domestic Incident Report*** *Prepared/No Offense*
- ***10-90J(2) - New York State Domestic Incident Report*** *Prepared/Unfounded*
- ***10-92J - New York State Domestic Incident Report*** *Prepared/Arrest Effected*
- ***10-93J - New York State Domestic Incident Report/COMPLAINT REPORT*** *Prepared.*

*Uniformed members of the service responding to any radio run where child abuse is alleged or apparent, MUST use disposition codes for child abuse even if the job was not originally classified as such.*

***NOTE***

*If child abuse did not take place, but other types of domestic violence did, the domestic violence disposition codes will be used (10-90F(1), 10-90F(2), 10-92F, 10-93F).*

***RELATED PROCEDURES***

*Notifications (P.G. 207-06)*
*Family Offenses/Domestic Violence (P.G. 208-36)*
*Children or Minors Requiring Care and/or Shelter (P.G. 215-01)*
*Family Court Warrant For Child Abuse/Neglect Cases (P.G. 215-04)*
*Runaway Children (P.G. 215-05)*

***FORMS AND REPORTS***

***AFFIDAVIT OF SERVICE OF NOTICE OF RIGHT TO HEARING (PD377-155)***
***AIDED REPORT***
***COMPLAINT FOLLOW-UP INFORMATIONAL (PD313-081C)***
***COMPLAINT INDEX (PD313-141)***
***COMPLAINT REPORT (PD313-152)***
***COMPLAINT REPORT WORKSHEET (PD313-152A)***
***DESK APPEARANCE TICKET (PD260-121)***
***JUVENILE REPORT SYSTEM WORKSHEET (PD377-159A)***
***NOTICE TEMPORARY REMOVAL OF CHILD AND RIGHT TO HEARING (PD377-156)***
***REPORT OF SUSPECTED CHILD ABUSE OR MALTREATMENT (PD377-154)***
***New York State Domestic Incident Report (DCJS-3221)***

**PURPOSE** To safeguard a child alleged to have been abused or neglected and arrest person responsible for such abuse or neglect.

**DEFINITION** CHILD ABUSE/NEGLECT WARRANTS - Warrants issued by Family Court ordering the immediate arrest of a specified parent or guardian when a petition indicates the child may be in danger of physical abuse or neglect.

**PROCEDURE** When the Warrant Section officer assigned to Family Court notifies a precinct that a warrant for child abuse/neglect has been issued:

**DESK OFFICER/ COUNTERPART**

1. Enter message in Telephone Record.
2. Send radio motor patrol crew to execute the warrant.

**R.M.P. CREW**

3. Respond to location and arrest person or persons named in warrant.
4. Take child into protective custody even if arrest is not made.
5. Deliver child to Family Court, if in session.
   a. If Family Court is not in session bring child to stationhouse and process as Child Requiring Shelter (see *P.G. 215-01, "Children or Minors Requiring Care and/or Shelter"*).
6. Attempt to locate the child or the parents, if not present, and report results of investigation to the desk officer.
7. Prepare **New York State Domestic Incident Report (DCJS-3221)**.

**DESK OFFICER/ COUNTERPART**

8. Notify Warrant Section officer assigned to Family Court of status of case.

***NOTE*** *The borough warrant officer will proceed directly to the residence and conduct an investigation in those instances where an arrest is effected by a member not assigned to the Patrol Services Bureau. If the Family Court warrant is executed by a member of the Warrant Section, that member is responsible for the preparation of the* ***New York State Domestic Incident Report****. The* ***New York State Domestic Incident Report*** *will then be forwarded to the precinct of occurrence.*

**DOMESTIC VIOLENCE PREVENTION OFFICER**

9. Review **New York State Domestic Incident Report** for accuracy and completeness.
10. Forward copy of **New York State Domestic Incident Report** to precinct detective squad investigator.
11. Forward **New York State Domestic Incident Report** to domestic violence sergeant to maintain in file.
12. Monitor at-risk locations and victims.
13. Contact complainants and advise them of their rights and the availability of shelter.

***RELATED PROCEDURES*** *Arrest On A Warrant (P.G. 208-42)*
*Children or Minors Requiring Care and/or Shelter (P.G. 215-01)*

***FORMS AND REPORTS*** ***New York State Domestic Incident Report (DCJS-3221)***

NYPD
POLICE DEPARTMENT CITY OF NEW YORK

# PATROL GUIDE

| Section: Juvenile Matters | | Procedure No: 215-05 | |
|---|---|---|---|
| **RUNAWAY CHILDREN** | | | |
| DATE ISSUED: 06/23/20 | DATE EFFECTIVE: 06/23/20 | REVISION NUMBER: | PAGE: 1 of 1 |

**PURPOSE** To return runaway children to their parents or persons legally responsible for their care.

**DEFINITION** CHILD - New York State resident, under the age of sixteen; out of state resident, per Interstate Compact for Juveniles.

**PROCEDURE** Upon determining that a child has run away from home:

**UNIFORMED MEMBER OF THE SERVICE**

1. Take child into custody and remove to command.
2. Prepare **AIDED REPORT**, **JUVENILE REPORT SYSTEM WORKSHEET (PD377-159A)** and **COMPLAINT REPORT WORKSHEET (PD313-152A)**, as per *P.G. 215-08, "On-Line Juvenile Report System."*
   a. Forward copy of computerized **AIDED REPORT** via Department mail to the Missing Persons Squad.
   b. Notify youth coordination officer.

**DESK OFFICER/ COUNTERPART**

3. Interview child.
4. Notify Missing Persons Squad in ALL cases.
5. Contact parent or person legally responsible for child to pick up child within reasonable time.
   a. If parent/person responsible for care is located outside of city, advise them to notify local police that child has been located.
6. Arrange for shelter if unable to release child to parent/person legally responsible for care within a reasonable time or if child may be endangered if returned home.
7. Assign female uniformed member of the service, if available, or other available uniformed member, to escort child to shelter, if the Administration for Children's Services is unable to provide transportation.
8. Comply with *P.G. 216-03, "Unidentified Persons*," if child removed to shelter and parents/persons legally responsible for care not notified.

***RELATED PROCEDURES***

*Aided Cases - General Procedure (P.G. 216-01)*
*Unidentified Persons (P.G. 216-03)*
*Children or Minors Requiring Care and/or Shelter (P.G. 215-01)*
*Emergency Removals Or Investigation And Reporting Of Abused, Neglected, Or Maltreated Children (P.G. 215-03)*

***FORMS AND REPORTS***

***AIDED REPORT***
***JUVENILE REPORT SYSTEM WORKSHEET (PD377-159A)***

**PURPOSE** To provide the expeditious return of truant students to a location of instruction (i.e., school, truancy intake site, etc.).

**DEFINITIONS** TRUANT – A minor not in compliance with the attendance requirement of the New York City Department of Education Regulations of the Chancellor as follows:

a. Each minor from six to seventeen years of age in New York City is required to attend school on a full time basis
b. Children in New York City who turn six years of age before December 31st of the school year, are required to attend school at the beginning of that school year
c. Students who turn seventeen years of age on or after July 1st must complete the school year in which they turn seventeen years of age
d. Exceptions to the age requirements for attendance are as follows:
   (1) Minors who have graduated from high school
   (2) Students who have earned a high school equivalency diploma
   (3) Students sixteen or seventeen years of age who have been issued a full time employment certificate.

**YOUTH REFERRAL REPORT LOG (PD377-140)** - A preprinted log maintained by precinct youth coordination officer for each school year, that will be serialized, beginning with "001" commencing on July 1st and ending the following June 30th. The **YOUTH REFERRAL REPORT LOG** will be utilized to record **YOUTH REFERRAL(S) (PD377-153)** for truancy in the precinct of occurrence.

**PROCEDURE** When a minor, who reasonably appears to be over the age of six and less than eighteen, who is observed outside of school on a day of instruction and it is ascertained that the minor is truant:

**UNIFORMED MEMBER OF THE SERVICE**

1. Take minor into custody and deliver to principal or designee(s) of school attended, if known.
   a. Truants may be frisked to ensure the uniformed member's safety. An electronic metal detector may be used for this purpose, if available
   b. Should uniformed members have an articulate reason to believe their safety is in danger, truants may be handcuffed.
2. Deliver minor to truancy intake site, if the minor's school cannot be determined or it is impractical to return the minor to his/her school.
3. Make entry in digital **Activity Log** including:
   a. Youth's name
   b. Location where truant was found
   c. School/truancy intake site truant was delivered to.
4. Have principal or representative sign digital **Activity Log** entry and **YOUTH REFERRAL** as receipt for minor.
   a. If principal or representative refuses to sign digital **Activity Log** and/or **YOUTH REFERRAL** as receipt for minor, document such refusal in digital **Activity Log**.

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

5. Complete **YOUTH REFERRAL** and deliver to desk officer, precinct of occurrence before end of tour.
   a. Include business name, park name or other information regarding where/how truant was taken into custody in the "Details" caption.

PRECINCT OF OCCURRENCE:

**DESK OFFICER**

6. Review **YOUTH REFERRAL** for completeness, legibility and accuracy.
7. Sign form in caption indicated and forward to precinct youth coordination officer.

**YOUTH COORDINATION OFFICER**

8. Review **YOUTH REFERRAL** and complete steps "9" through "12" below no later than five business days after receipt.
9. Enter **YOUTH REFERRAL(S)** into **YOUTH REFERRAL REPORT LOG**.
   a. Complete all **YOUTH REFERRAL REPORT LOG** captions, as appropriate
   b. Assign next precinct serial number and enter number in appropriate caption on **YOUTH REFERRAL**.
10. Notify parent/guardian of minor's truancy and document notification in appropriate caption on "Precinct of Residence Copy."
11. Complete "Youth Last Name," "First Name," "M.I.," "Age," "D.O.B.," and "Address" captions on "Precinct of Residence Copy" and sign off.
12. Forward "Precinct of Residence Copy" of **YOUTH REFERRAL** to the truant's resident precinct youth coordination officer via Department mail, when truant's residence is different from precinct of occurrence.
    a. Retain "Precinct of Occurrence Copy."

**NEIGHBORHOOD COORDINATION SERGEANT**

13. Ensure precinct youth coordination officer completes steps "8" through "12" above within the time period cited in step "8" above.
    a. Perform steps "8" through "12" above in the absence of the precinct youth coordination officer.

TRUANT'S RESIDENT PRECINCT:

**YOUTH COORDINATION OFFICER**

14. Determine **YOUTH REFERRAL** investigation responsibility.
    a. Be responsible for the investigation of **YOUTH REFERRAL(S)** for truants residing within precinct, EXCEPT when truant's actual residence within precinct is a New York City Housing Authority development under the jurisdiction of a police service area (PSA). In this case:
       (1) Document in "Results" caption of **YOUTH REFERRAL** that a photocopy of "Precinct of Residence Copy" of the **YOUTH REFERRAL** was forwarded via Department mail, to the truant's resident PSA youth coordination officer for investigation.

TRUANT'S RESIDENT PRECINCT OR POLICE SERVICE AREA:

**PRECINCT/PSA YOUTH COORDINATION OFFICER**

15. Conduct investigation and summarize outcome in "Results" caption on "Precinct of Residence Copy" of **YOUTH REFERRAL**.
16. Submit completed **YOUTH REFERRAL** to special operations lieutenant for review.
    a. File **YOUTH REFERRAL(S)** alphabetically upon return from special operations lieutenant.

**SPECIAL OPERATIONS LIEUTENANT**

17. Review **YOUTH REFERRAL(S)**, sign in appropriate caption and return form to precinct/PSA youth coordination officer.

ALL PRECINCTS:

**NEIGHBORHOOD COORDINATION SERGEANT**

18. Periodically inspect and sign the **YOUTH REFERRAL REPORT LOG** for completeness and accuracy.
19. Review the **YOUTH REFERRAL REPORT LOG** to identify patterns/ recidivists.
20. Maintain regular contact with the School Safety Division Truancy Coordinator to share information to maximize truancy enforcement.
    a. Notify School Safety Division Truancy Coordinator prior to conducting a large truancy enforcement operation.
21. Maintain regular contact with the Detective Bureau, Social Media Analysis and Research Team to maximize resources, spot trends and share information.
22. Close **YOUTH REFERRAL REPORT LOG** at the end of the school year.

**SPECIAL OPERATIONS LIEUTENANT**

23. Perform steps "18" through "22" above in the absence of the neighborhood coordination sergeant.

***ADDITIONAL DATA***

*LEGAL CONSIDERATIONS*

*The Education Law and the Regulations of the Chancellor of the New York City Department of Education require that a person attend school until the last session of the school year in which the person reaches seventeen years of age. This law defines the school year as the period commencing on July 1st and ending the next June 30th. Therefore, a person who reaches his/her seventeenth birthday on or after July 1st MUST attend school, when in session, until the following June 30th. A **YOUTH REFERRAL** will be prepared for each truant, including those seventeen years of age.*

*Only uniformed members of the service and police officers as defined in the Criminal Procedure Law, Section 1.20, subdivision 34, are authorized to issue and/or sign a **COMPLAINT REPORT WORKSHEET (PD313-152A)** with "Juvenile Report" caption checked off, **JUVENILE REPORT SYSTEM WORKSHEET (PD377-159A)** or **YOUTH REFERRAL** as reporting officers. Names of special police, store detectives, school safety agents, etc., may be entered on **COMPLAINT REPORT WORKSHEET** in caption "Reporter/Witness."*

***ADDITIONAL DATA (continued)***

*On June 30th of each year* ***YOUTH REFERRAL*** *records will be purged, as required by "Cuevas v. Leary."* ***YOUTH REFERRAL(S)*** *prepared for minors 17 years of age will be purged as soon as practical after the minor reaches 19 years of age. In addition, the corresponding entry in the* ***YOUTH REFERRAL REPORT LOG*** *will be purged by redacting the "Truant Name" and "Truant Address" captions.*

*OPERATIONAL CONSIDERATIONS*

*Ordinarily truancy enforcement should not be conducted after 1300 hours.*

*A current listing of truancy intake sites will be maintained by the School Safety Division Truancy Coordinator. Truancy intake sites will be staffed by school safety agents and Department of Education personnel. Uniformed members of the service will not be routinely assigned to these locations.*

***FORMS AND REPORTS***

***COMPLAINT REPORT WORKSHEET (PD313-152A)***
***YOUTH REFERRAL (PD377-153)***
***JUVENILE REPORT SYSTEM WORKSHEET (PD377-159A)***
***YOUTH REFERRAL REPORT LOG (PD377-140)***
***UNDERSTANDING TRUANCY ENFORCEMENT PROCEDURES AND BEST PRACTICES (PD377-111)***

NYPD

**PURPOSE** To record and investigate certain apprehensions concerning juveniles at least 7 years of age but less than 18 years of age.

**PROCEDURE** When a juvenile at least 7 years of age but less than 18 years of age commits an illegal act, or engages in or is found under circumstances that may endanger the health or safety of the juvenile:

**UNIFORMED MEMBER OF THE SERVICE**

1. Investigate circumstances involving juvenile(s).
   a. Comply with *P.G. 215-17, "Police Actions, Related Questioning, Arrests and Investigations at a NYC Department of Education School/Property,"* as required.
2. Prepare **COMPLAINT REPORT WORKSHEET (PD313-152A)** to document incident involving juvenile(s).
   a. Ensure caption "Juvenile Report" is checked off.
3. Prepare separate **JUVENILE REPORT SYSTEM WORKSHEET (PD377-159A)** for each juvenile involved in incident.
   a. Verify pedigree, address and parent/guardian information.

***NOTE*** *If pedigree, address and parent/guardian information can not be verified in the field, the juvenile must be brought to a Department facility (e.g., precinct, transit district, police service area, etc.) for further investigation. Under no circumstances will a juvenile, who has not been properly identified or whose parent/guardian could not be notified, be released from the field. Upon arrival at the Department facility, the member must notify the Juvenile Crime Desk.*

*If the incident occurs at or within the grounds of a school, the juvenile should be removed to a suitable location within the school (e.g., principal's office, detention room, dean's office, etc.) to verify their identification. When identification cannot be established or a parent/guardian cannot be notified, the juvenile in question will not be released but will rather be transported to the nearest appropriate Department facility where a notification will be made to the Juvenile Crime Desk.*

*If upon investigation it is determined that the incident involves the commission of a violation by the juvenile and not the commission of a felony or a misdemeanor, the juvenile shall not be removed from the school and transported to a Department facility.*

*In all cases, members of the service MUST confer with a supervisor prior to removing a juvenile from a school.*

4. Notify Juvenile Crime Desk if juvenile has been removed from the field and brought to a Department facility.
   a. Inform Juvenile Crime Desk analyst of incident involving the juvenile and be guided by their recommendations.
5. Deliver completed **COMPLAINT REPORT WORKSHEET** and **JUVENILE REPORT SYSTEM WORKSHEET** to desk officer.

***NOTE*** *If a juvenile has been removed from the field and brought to a Department facility, a notification must be made to the Juvenile Crime Desk. The Juvenile Crime Desk will assist supervisors in making a determination whether a juvenile should be released on a* ***JUVENILE REPORT SYSTEM WORKSHEET*** *or if the juvenile should be processed as a juvenile delinquent as per Patrol Guide 215-09, "Offense Committed by a Juvenile Under 18 Years of Age (Other than a Juvenile Offender or Adolescent Offender)." Members of the service are reminded that if a juvenile is going to be processed as a juvenile delinquent, a* ***COMPLAINT REPORT WORKSHEET*** *and an* ***ON LINE BOOKING SYSTEM ARREST WORKSHEET (PD244-159)*** *will be completed along with other required forms (i.e.,* ***JUVENILE ARREST INVESTIGATION/PROBATION INTAKE REPORT (PD277-151)****, etc.). A* ***JUVENILE REPORT SYSTEM WORKSHEET*** *will not be completed.*

**DESK OFFICER/ COUNTERPART**

6. Check **COMPLAINT REPORT WORKSHEET** and **JUVENILE REPORT SYSTEM WORKSHEET** for completeness, legibility, and accuracy (i.e., jurisdiction of complaint, incident classification, etc.).
7. Sign forms in appropriate captions and return to uniformed member of the service.

**UNIFORMED MEMBER OF THE SERVICE**

8. Input **COMPLAINT REPORT WORKSHEET** and **JUVENILE REPORT SYSTEM WORKSHEET** into the On-Line Juvenile Report System utilizing Omniform.

**SPECIAL OPERATIONS LIEUTENANT, COMMAND OF REPORT**

9. Review and sign-off on pending **JUVENILE REPORT SYSTEM WORKSHEETS** utilizing the On-Line Juvenile Report System on a daily basis.
10. Audit and review **JUVENILE REPORT SYSTEM WORKSHEETS** and **COMPLAINT REPORT WORKSHEETS** weekly to ensure accuracy.
11. Utilize the OMNIFORM System to ensure **JUVENILE REPORT SYSTEM WORKSHEETS** were not completed in error (i.e., prepared in addition to an **ON LINE BOOKING SYSTEM ARREST WORKSHEET** for an arrest of a juvenile delinquent, etc.).

**YOUTH COORDINATION OFFICER, RESIDENT PRECINCT**

12. Query Omniform and conduct follow-up investigation.
13. Confer with complainant, school personnel, witnesses, probation officers, social workers, and/or any other appropriate person or agency.
14. Add or Delete charges for juvenile, if necessary.
15. Choose a Disposition Code, Disposition Agency and Source Code.
16. Create a precautionary or an unfounded letter to notify the parent/legal guardian of an alleged offense involving a juvenile.
17. Contact parent/legal guardian to discuss alleged offense involving juvenile.
18. Summarize results of investigation on On-Line Juvenile Report System's "Juvenile Follow-up Investigation" application utilizing appropriate closing codes.

***NOTE*** *If a juvenile resides outside of New York City, the Youth Strategies Division will be responsible for conducting the follow-up investigation.*

**SPECIAL OPERATIONS LIEUTENANT, RESIDENT PRECINCT**

19. Review the follow-up investigation conducted by the youth coordination officer, resident precinct, for accuracy and completeness.
    a. Direct youth coordination officer, resident precinct, to amend investigation if necessary.

***NOTE***

*It is the responsibility of the resident precinct special operations lieutenant to approve an on-line follow-up investigation utilizing the Juvenile Follow-up Investigation application. This approval process will be completed within two weeks from the date of the report, if possible. The Youth Strategies Division supervisor will review and approve all follow-up investigations conducted by Youth Strategies Division personnel.*

**PRECINCT COMMANDING OFFICER**

20. Review investigation of "Juvenile Report" by youth coordination officer giving particular attention to:
    a. Parent/guardian contact as required by *"Cuevas v. Leary"*
    b. Type of aid offered to parents/guardian and youth
    c. Suitability of disposition.

***ADDITIONAL DATA***

*A **COMPLAINT REPORT WORKSHEET** ('Juvenile Report' caption checked off) and a **JUVENILE REPORT SYSTEM WORKSHEET** are prepared for a juvenile at least 7 but less than 18 years of age for:*

*a. An act that would constitute a crime if committed by an adult except for those acts listed in step "4" of P.G. 207-01, "Complaint Reporting System"*
*b. Violations committed by juveniles*
*c. Person in need of supervision (if under 18 years of age) as defined in the Family Court Act, (Section 712, subdivision "a"); Advise civilian complainant of right to seek a petition in Family Court*

*Members of the service will prepare an **ARREST REPORT SUPPLEMENT (PD224-157)** when a person in need of supervision is 16 or 17 years of age.*

*d. Intoxicated juveniles*
*e. Juvenile under 18 years of age found in a house of prostitution*
*f. Stranded juvenile*
*g. Runaway juvenile*
*h. Juvenile unlawfully present in a licensed premises*
*i. Juvenile apparently under the influence of a dangerous drug (e.g., heroin, cocaine, morphine, opium, marijuana, amphetamines, barbiturates, hallucinogens, etc.).*
*j. Traffic infractions - bicycles - persons over 7 but less than 16 years of age*
*k. Missing person, at least 7 years of age but less than 16 years of age.*

*When recording a complaint for a missing person, at least 7 but less than 16 years of age, members of the service are reminded to also comply with P.G. 207-01 "Complaint Reporting System."*

*Under current law and the Family Court Act, juvenile records are to be treated as confidential and may eventually be sealed. Therefore, such records or any information contained therein may not be disseminated to any person and/or public or private agency outside the New York City Police Department, including the news media and victims.*

***ADDITIONAL DATA (continued)***

*When preparing a **COMPLAINT REPORT WORKSHEET**, the names of special police, store detectives, school personnel, etc., may be entered under caption "REPORTER/WITNESS."*

*Commanding officers will ensure that all **COMPLAINT REPORT WORKSHEETS** and **JUVENILE REPORT SYSTEM WORKSHEETS** are purged from their respective commands' files, for youths who have reached 19 years of age, and for all "unfounded," "unsubstantiated," and "complaint withdrawn" cases, as required by "Cuevas v. Leary."*

*The On-Line Juvenile Report System will purge all data regarding **COMPLAINT REPORT WORKSHEETS** and **JUVENILE REPORT SYSTEM WORKSHEETS** from Department databases, for youths who have reached 19 years of age, and for all "unfounded," "unsubstantiated," and "complaint withdrawn" cases as required by "Cuevas v. Leary."*

*Any questions regarding the On-Line Juvenile Report System can be directed to the Office of Management Analysis and Planning's Operations Research Section during business hours. Any questions during non-business hours or relating to hardware/software issues can be directed to the Information Technology Bureau (ITB) Service Desk. In addition, members of the service can access the "On-Line Juvenile Report System User Guide" posted on the Department's intranet website for user reference.*

***RELATED PROCEDURES***

*Complaint Reporting System (P.G. 207-01)*
*Offense Committed by a Juvenile Under 18 Years of Age (Other than a Juvenile Offender or Adolescent Offender) (P.G. 215-09)*
*Police Actions, Related Questioning, Arrests and Investigations at a NYC Department of Education School/Property (P.G. 215-17)*

***FORMS AND REPORTS***

***COMPLAINT REPORT WORKSHEET (PD313-152A)***
***JUVENILE REPORT SYSTEM WORKSHEET (PD377-159A)***
***ON-LINE BOOKING SYSTEM ARREST WORKSHEET (PD244-159)***
***ARREST REPORT SUPPLEMENT (PD 244-157)***
***JUVENILE ARREST INVESTIGATION/PROBATION INTAKE REPORT (PD277-151)***

| Section: Juvenile Matters | | Procedure No: 215-09 | |
|---|---|---|---|
| **OFFENSE COMMITTED BY A JUVENILE UNDER 18 YEARS OF AGE (OTHER THAN A JUVENILE OFFENDER OR ADOLESCENT OFFENDER)** | | | |
| DATE ISSUED: 07/01/20 | DATE EFFECTIVE: 07/01/20 | REVISION NUMBER: | PAGE: 1 of 7 |

**PURPOSE** To process a juvenile under 18 years of age who has committed an offense.

**SCOPE** This procedure does not apply to juveniles taken into custody and charged as juvenile offenders or adolescent offenders. A juvenile 16 or 17 years of age taken into custody and charged with any felony, whether it is a designated felony or not, is an adolescent offender (see *P.G. 215-10 "Arrest of Juvenile Offender or Adolescent Offender"*).

**DEFINITION** JUVENILE DELINQUENT – A person over 7 and less than 18 years of age who commits an act, which if committed by an adult, would constitute a crime, other than a juvenile offender or adolescent offender.

**PROCEDURE** When a juvenile less than 18 years of age commits an offense:

**UNIFORMED MEMBER OF THE SERVICE**

1. Detain juvenile.
2. Notify immediate supervisor of arrest and provide pertinent details.

**IMMEDIATE SUPERVISOR**

3. Respond to scene of arrest, as appropriate.
   a. Designate a uniformed member of the service at the scene of arrest to obtain ranks, names, tax numbers, and commands of uniformed members present at scene of arrest, and to ascertain if those uniformed members possessed body-worn cameras, and if the body-worn cameras were activated.

**UNIFORMED MEMBER OF THE SERVICE**

4. Notify desk officer of facts.
5. Notify the Juvenile Desk.

***NOTE*** *Arresting officers must call the Juvenile Desk before beginning the arrest process to ensure that any intelligence regarding the juvenile is obtained before the decision whether to release the juvenile to a parent/guardian/adult relative is made. The Juvenile Desk has specialized databases that can provide vital background information on arrested/detained juveniles and those adults taking custody of a juvenile upon recognizance or release.*

**DESK OFFICER**

6. Have parent/guardian notified.
7. Have age determined by questioning juvenile or parent/guardian.
   a. Verify age by satisfactory documentary proof, if available.

***NOTE*** *When a juvenile, other than a juvenile offender or adolescent offender, is arrested for a designated felony, is a recidivist, commits a felony while awaiting trial on a violent offense as listed in P.G. 215-12, "Personal Recognizance Juvenile Delinquent," the juvenile will be removed directly to Family Court or the appropriate facility designated by the Administration for Children's Services (ACS), if court is not in session. A juvenile MUST be taken into custody and charged with juvenile delinquency when accused of an act, if committed by an adult, would constitute a felony, Unlawful Assembly or any misdemeanor listed below:*

*a. Criminal possession of a weapon, 4th degree,* ***firearm only****, (Section 265.01, Penal Law)*
*b. Manufacture, transport, disposition and defacement of weapons and dangerous instruments and appliances (Section 265.10, Penal Law)*
*c. Prohibited use of weapons (Section 265.35, Penal Law, sub. 1 and 3)*
*d. Jostling (165.25, Penal Law)*
*e. Fraudulent accosting (Section 165.30, Penal Law) except if specifically charged with operating a "Three Card Monte" game*
*f. Sexual abuse, 2nd degree (Section 130.60, Penal Law)*
*g. Criminal impersonation, 2nd degree (Section 190.25, Penal Law, sub. 3)*
*h. Promoting prostitution, 4th degree (Section 230.20, Penal Law)*
*i. 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. Prostitution in a school zone (Section 230.03, Penal Law)*
*m. Trademark counterfeiting, 3rd degree (Section 165.71, Penal Law)*
*n. Arson, 5th degree (Section 150.01, Penal Law).*

**DESK OFFICER (continued)**

8. Confer with youth coordination officer and precinct detectives when a group of juveniles is involved in the same incident.
9. Direct officer to prepare **JUVENILE REPORT SYSTEM WORKSHEET (PD377-159A)** and **COMPLAINT REPORT WORKSHEET (PD313-152A)**, as per *P.G. 215-08, "On-Line Juvenile Report System,"* when:
   a. Offense committed is NOT a crime, OR
   b. Determination is made to refer a minor to youth coordination officer (if residence is outside New York City, refer to Youth Strategies Division).

***NOTE*** *A* ***JUVENILE REPORT SYSTEM WORKSHEET*** *and* ***COMPLAINT REPORT WORKSHEET*** *is NOT prepared for truancy (see P.G. 215-07, "Truants").*

10. Direct member concerned to deliver juvenile to command with an approved location for interrogation, if court is not in session.
    a. If court is in session, determine if juvenile should be delivered direct to court or processed for personal recognizance.
    b. If court is not in session, direct member concerned to obtain from borough Court Section the return date for an appearance ticket, if juvenile is released on an **APPEARANCE TICKET-FAMILY COURT (PD277-130)** (see "*ADDITIONAL DATA*").

***NOTE*** *A juvenile who has committed a designated felony will be taken to Family Court without delay if court is in session, unless interrogation of juvenile is necessary (see P.G. 215-12, "Personal Recognizance Juvenile Delinquent"). If Family Court is not in session, the arresting officer MUST appear in court at 0900 hours, the next day court is in session. In all other arrests for juvenile delinquency, if juvenile is NOT released on recognizance (issued an* ***APPEARANCE TICKET-FAMILY COURT****), the arresting officer MUST appear in Family Court at 0900 hours the next day court is in session. Desk officers will ensure that the arresting officer's tour is adjusted accordingly, as necessary. If court is not in session the next day, due to weekend or court holiday, members of the service will comply with P.G. 215-23, "Court Processing of Arrests of Juvenile Delinquents on Weekends and Court Holidays."*

**UNIFORMED MEMBER OF THE SERVICE**

11. Detain juvenile in location designated for interrogation.
    a. Have female police officer or other qualified female present, if juvenile is a female.
12. Prepare **ON LINE BOOKING SYSTEM ARREST WORKSHEET (PD244-159)**.
13. Prepare **COMPLAINT REPORT WORKSHEET**, if applicable.
14. Prepare **DISTRICT ATTORNEY BODY-WORN CAMERA CHECKLIST (PD220-141)** and forward to Assistant Corporation Counsel, as appropriate.
15. Ensure that juvenile delinquent is fingerprinted and palmprinted in conformance with *P.G. 208-08, "Fingerprintable and Palmprintable Offenses"* and *P.G. 208-11, "Arrest Processing - 'Livescan' Fingerprinting and Palmprinting."*
16. Prepare **JUVENILE ARREST INVESTIGATION/PROBATION INTAKE REPORT WORKSHEET (PD277-151a)**.
    a. Attach hard copy of warrant investigation/juvenile recidivist check to court copy of **JUVENILE ARREST INVESTIGATION/ PROBATION INTAKE REPORT (PD277-151)**.
17. Deliver all completed arrest documents including **JUVENILE ARREST INVESTIGATION/PROBATION INTAKE REPORT** to desk officer.

**DESK OFFICER**

18. Review and sign all arrest documents including the **JUVENILE ARREST INVESTIGATION/PROBATION INTAKE REPORT**.
19. Ensure that **JUVENILE ARREST INVESTIGATION/PROBATION INTAKE REPORT** is distributed as indicated on the form.
20. Determine if juvenile can be released on personal recognizance (see *P.G. 215-12, "Personal Recognizance Juvenile Delinquent"*).
21. Ascertain if application will be made for personal recognizance.
22. Have juvenile NOT eligible for personal recognizance or for whom NO application for personal recognizance is made, removed to the appropriate facility designated by the Administration for Children's Services (ACS) with a copy of **ON LINE BOOKING SYSTEM ARREST WORKSHEET**, **COMPLAINT REPORT**, if prepared, and **JUVENILE ARREST INVESTIGATION/PROBATION INTAKE REPORT** (see *ADDITIONAL DATA*).

**DESK OFFICER (continued)**

23. Do not transport juvenile with adult prisoner.
24. Prepare arrest package containing the following forms:
    a. Copy of **ON-LINE BOOKING SYSTEM ARREST WORKSHEET**,
    b. BUFF copy **APPEARANCE TICKET-FAMILY COURT**,
    c. Evidence/Release Investigation copy of appropriate **PROPERTY CLERK INVOICE (PD521-141)**, if evidence is involved,
    d. Copy of **COMPLAINT REPORT (PD313-152)**, if finalized and signed-off. If not finalized and signed-off, the **COMPLAINT REPORT WORKSHEET** will be submitted,
    e. **AIDED REPORT**, if prepared,
    f. Copy of digital **Activity Log** entry,
    g. **JUVENILE ARREST INVESTIGATION/PROBATION INTAKE REPORT**,
        (1) Distribute remaining copies to command youth coordination officer, Youth Strategies Division, and juvenile detention facility, if juvenile is detained
    h. Copy of **DISTRICT ATTORNEY BODY-WORN CAMERA CHECKLIST**, and
    i. Any other related arrest information, including copies of arresting officer's/investigator's personal notes and hard copy of warrant investigation/juvenile recidivist checks.
    j. Copy of **ARREST CHECKLIST (PD244-041)**.
25. Ensure in all cases of an arrest of a juvenile, other than a juvenile offender or adolescent offender, that arrest package is emailed to applicable borough Court Section (Attn: NYPD Family Court Liaison Officer), as appropriate.
    a. Contact Family Court Liaison Officer (see "ADDITIONAL DATA" statement for listing of liaison officers), during business hours, to verify receipt of arrest package.
        (1) During non-business hours, a copy of email sent, indicating receipt of arrest package, will be obtained and attached to arrest package.

***ADDITIONAL DATA***

*If the arresting officer is reporting to court on the day of arrest or the next day, they will bring all required forms/reports to borough Court Section sign-in room, in addition to emailing required forms/reports to the respective borough Family Court Liaison Officer.*

*If the juvenile is issued an **APPEARANCE TICKET-FAMILY COURT**, the desk officer will ensure that all required forms/reports are forwarded to the borough Court Section Family Court Liaison Officer in the next day's a.m. mail, in addition to emailing required forms/reports to the respective borough Court Section.*

***ADDITIONAL DATA (continued)***

*In those instances where the juvenile is removed to the appropriate facility designated by the Administration for Children's Services (ACS), the desk officer will ensure that copies of the* ***ON-LINE BOOKING ARREST WORKSHEET, COMPLAINT REPORT*** *(if finalized and signed off) or* ***COMPLAINT REPORT WORKSHEET*** *if prepared, and the* ***JUVENILE ARREST INVESTIGATION/PROBATION INTAKE REPORT*** *are forwarded with the juvenile, in addition to emailing required reports/forms to the respective borough Court Section.*

*ARRESTING OFFICER/APPEARANCE IN FAMILY COURT*

| *JUVENILE DELINQUENT* | *FAMILY COURT* |
|---|---|
| *REMANDED (**APPEARANCE TICKET-FAMILY COURT** NOT ISSUED)* | *APPEAR 0900 HOURS NEXT BUSINESS DAY* |
| *RELEASED ON RECOGNIZANCE FOR DESIGNATED FELONY* | *APPEAR 0900 HOURS NEXT BUSINESS DAY* |
| *RELEASED ON RECOGNIZANCE FOR NON-DESIGNATED FELONY* | *ARRESTING OFFICER EXCUSED* |

*Members will adhere to P.G. 215-23, "Court Processing of Arrests of Juvenile Delinquents on Weekends and Court Holidays" if an appearance at Family Court is requested on a weekend or court holiday and the borough Family Court is not in session.*

*On weeknights, weekends, and court holidays, when Family Court is closed, juvenile delinquents, not designated as adolescent offenders or juvenile offenders, who fail to qualify for an* ***APPEARANCE TICKET – FAMILY COURT*** *will be processed at Manhattan Criminal Court, located at 100 Centre Street.*

*BOROUGH COURT SECTION FAMILY COURT LIAISONS*

| *BOROUGH* | *ADDRESS* |
|---|---|
| *MANHATTAN* | *60 LAFAYETTE STREET* |
| *BROOKLYN* | *330 JAY STREET* |
| *BRONX* | *900 SHERIDAN AVENUE* |
| *QUEENS* | *151-20 JAMAICA AVENUE* |
| *STATEN ISLAND* | *130 STUYVESANT PLACE* |

*A person in need of supervision will NOT be taken into custody without a court order.*

*When a juvenile is arrested and taken into custody, the desk officer is required to immediately notify a parent/guardian that the juvenile has been taken into custody and the juvenile's location. A juvenile MAY NOT be questioned concerning criminal activity until the juvenile and the parent/guardian, if present, are advised and understand the juvenile's constitutional rights.* ***MIRANDA WARNINGS FOR JUVENILE INTERROGATIONS (PD244-1413)*** *should be read while the parent/guardian is present. The juvenile may be questioned if he/she waives the Miranda rights in the presence of the parent/guardian. The parent/guardian does not have to separately waive*

***ADDITIONAL DATA (continued)***

*the Miranda rights; they only need to be advised of such rights. However, if the parent/guardian objects to the questioning or requests an attorney for the juvenile, no questioning should occur even if the juvenile is willing to answer questions. A juvenile may be requested to provide pedigree information at the location designated for interrogation PRIOR to advising the juvenile of their constitutional rights.*

*If the parent/guardian cannot be notified, a juvenile MAY be questioned ONLY after:*

*a. Every reasonable effort has been made to notify parent/guardian*
*b. Determining the necessity for questioning at this time*
*c. Considering the age, apparent intelligence of the juvenile, and the ability of the juvenile to understand the Miranda Warnings.*

*Every reasonable effort taken to notify a parent/guardian must be documented by the desk officer in the appropriate Department record.*

*If the juvenile MUST be questioned, the officer MUST be prepared to testify that a "good faith" attempt was made to have a competent adult (e.g., relative, clergyman, teacher, etc.), other than law enforcement personnel, present during questioning; that the juvenile and the competent adult were advised jointly of the Miranda Warnings; that they understand these rights; and the effect of a waiver on these rights.*

*Precinct Detective Squad/Burglary/Robbery Apprehension Modules will enhance any case made against a violent youth offender. They will identify, locate, and apprehend any accomplices in gun-related cases or acts of violence.*

*When it becomes necessary to deliver a juvenile to the appropriate facility designated by the Administration for Children's Services (ACS), the arresting/assigned officer, in an effort to expedite the intake process, MUST contact the Admissions Unit PRIOR to delivering the juvenile, and provide them with the juvenile's name, address, date of birth, and parent/guardian's name.*

*The juvenile's statement as to age may be in conflict with the records maintained at the ACS designated facility. To resolve any differences regarding the age of the juvenile, arresting/assigned officer shall ask to examine the following primary reference documents maintained at the ACS designated facility:*

*a. Family Court - Remand Order Form C-23B*
*b. Family Court - Order Directing Detention of Respondent Form 3-11*
*c. Criminal Court - Securing Order Form 299*
*d. Supreme Court - Securing Order Form 299.*

*File folders may also contain photographs of the juvenile and will be made available for examination.*

*When there are no court records on file at the ACS designated facility, or available records are inconclusive regarding the age of the juvenile, ACS designated facility officials will accept delivery of the juvenile for detention.*

*Should the court records at the ACS designated facility establish that the juvenile was 18 years of age or older at the time the offense was COMMITTED, they will be returned to the borough Court Section facility, borough of arrest, for processing as an adult.*

***ADDITIONAL DATA (continued)***

*If there is a civilian complainant, the arresting officer will inform such complainant that their presence is required at Family Court, Probation Intake Area, regardless of whether or not a Supporting Deposition was prepared. In addition, in all juvenile delinquent arrest cases, the arresting officer will provide the complainant with a copy of completed form,* ***JUVENILE DELINQUENT ARREST COMPLAINANT'S NOTIFICATION TO APPEAR (PD277-120)****.*

*In those instances where a juvenile is charged with both a Vehicle and Traffic Law (VTL) and a non-VTL misdemeanor (such as a Penal Law misdemeanor) arising from the same incident, an appearance ticket returnable to the appropriate court will be issued for one of these offenses, if eligible. The totality of circumstances should be evaluated in deciding for which offense to issue an appearance ticket.*

*In those instances where a juvenile is charged with an offense returnable to Family Court and also the subject of a warrant returnable to Criminal Court, the juvenile will be charged and processed for the Family Court offense, but will be transported to the Criminal Court, borough of issuance, to address the warrant. In such cases, in order to alert court personnel about the family court offense, a notification will be made to the Borough Court Section supervisor concerned.*

***RELATED PROCEDURES***

*Arrests – General Processing (P.G. 208-03)*
*Photographable Offenses (P.G. 208-07)*
*Fingerprintable and Palmprintable Offenses (P.G. 208-08)*
*Rights Of Persons Taken Into Custody (P.G. 208-09)*
*Arrest Processing - "Livescan" Fingerprinting and Palmprinting (P.G. 208-11)*
*Performing Local, State and Federal Warrant Checks (P.G. 208-22)*
*Notification to the Detective Bureau When a Specified Condition Exists/is Suspected (P.G. 208-73)*
*Truants (P.G. 215-07)*
*On-Line Juvenile Report System (P.G. 215-08)*
*Arrest Of Juvenile Offender or Adolescent Offender (P.G. 215-10)*
*Personal Recognizance Juvenile Delinquent (P.G. 215-12)*
*Utilization of the Juvenile Desk (P.G. 215-21)*
*Court Processing of Arrests of Juvenile Delinquents on Weekends and Court Holidays (P.G. 215-23)*

***FORMS AND REPORTS***

***AIDED REPORT***
***APPEARANCE TICKET – FAMILY COURT (PD277-130)***
***ARREST CHECKLIST (PD244-041)***
***JUVENILE ARREST INVESTIGATION/PROBATION INTAKE REPORT (PD277-151)***
***JUVENILE ARREST INVESTIGATION/PROBATION INTAKE REPORT WORKSHEET (PD277-151a)***
***JUVENILE DELINQUENT ARREST COMPLAINANT'S NOTIFICATION TO APPEAR (PD277-120)***
***JUVENILE REPORT SYSTEM WORKSHEET (PD377-159A)***
***ON LINE BOOKING SYSTEM ARREST WORKSHEET (PD244159)***
***COMPLAINT REPORT (PD313-152)***
***COMPLAINT REPORT WORKSHEET (PD313-152A)***
***MIRANDA WARNINGS FOR JUVENILE INTERROGATIONS (PD244-1413)***
***PROPERTY CLERK INVOICE (PD521-141)***
***DISTRICT ATTORNEY BODY-WORN CAMERA CHECKLIST (PD220-141)***

**PURPOSE** To process arrest of juvenile charged as a "juvenile offender" or "adolescent offender."

**DEFINITIONS** ADOLESCENT OFFENDER – A person 16 or 17 years of age taken into custody for any felony. The attempt of any class "E" felony will result in the offending juvenile being classified as a juvenile delinquent.

JUVENILE OFFENDER - A person less than 16 years of age taken into custody and charged with a felony as indicated below. Any attempt of the crimes listed below, except as noted in subsection (10), will result in the offending juvenile being classified as a juvenile delinquent:

a. 13, 14 and 15 years of age charged with Murder 2nd Degree (Section 125.25, subdivisions 1 and 2)

b. 14 or 15 years of age charged with Murder 2nd Degree (Felony Murder - subdivision 3) if the underlying felony is listed in subdivision c, items (1) through (11) below

c. 14 or 15 years of age and charged with:

(1) Assault 1st Degree - Section 120.10, subdivisions 1 and 2

(2) Manslaughter 1st Degree - Section 125.20

(3) Rape 1st Degree - Section 130.35, subdivisions 1 and 2

(4) Criminal Sexual Act 1st Degree - Section 130.50, subdivisions 1 and 2

(5) Kidnapping 1st Degree - Section 135.25

(6) Burglary 1st Degree - Section 140.30 AND Burglary 2nd Degree Section 140.25, subdivision 1

(7) Arson 1st and 2nd Degrees - Sections 150.20 and 150.15

(8) Robbery 1st Degree - Section 160.15 AND Robbery 2nd Degree Section 160.10, subdivision 2

(9) Aggravated Sexual Abuse 1st Degree - Section 130.70

(10) Attempted Murder 2nd Degree - Section 110.00; Section 125.25 OR Attempted Kidnapping 1st Degree - Section 110.00; Section 135.25

(11) Criminal Possession of a Weapon 2nd Degree - Section 265.03 OR Criminal Possession of a Weapon 3rd Degree - Section 265.02, subdivision 4, and the offense takes place on school grounds (i.e., any building or property within the property line of a public, private or parochial school from elementary up to and including high school or any area accessible to the public, or a parked vehicle, within 1,000 feet of the property line of such school [Penal Law Section 220.00, subdivision 14]).

**PROCEDURE** When a juvenile is arrested and charged as a juvenile offender or adolescent offender:

**ARRESTING OFFICER**

1. Notify immediate supervisor of arrest and provide pertinent details.

**IMMEDIATE SUPERVISOR**

2. Respond to scene of arrest, as appropriate.
   a. Designate a uniformed member of the service at the scene of arrest to obtain ranks, names, tax numbers, and commands of uniformed members present at scene of arrest, and to ascertain if those uniformed members possessed body-worn cameras, and if the body-worn cameras were activated.

**ARRESTING OFFICER**

3 Notify the Juvenile Desk if the juvenile is removed to a police facility.

***NOTE*** *Arresting officers must call the Juvenile Desk and confer with an analyst before beginning the arrest process to ensure that all available information regarding the juvenile is provided and additional resources (e.g., Juvenile Crime Squad, Law Department, Deputy Commissioner, Public Information, Internal Affairs Bureau, other investigative units, etc.) are notified or dispatched in a timely manner.*

4. Bring juvenile to appropriate area designated for interrogation of juveniles.
   a. Confer with desk officer to ascertain designated location when unknown.
   b. Have female police officer or other qualified female present, if juvenile is a female.
5. Notify parent/guardian that juvenile is in custody and location of juvenile.
6. Do not question until arrival of parent/guardian.
   a. Juvenile may be requested to provide pedigree information at location designated for interrogation PRIOR to advising juvenile of constitutional rights.
7. Advise at the same time, juvenile AND parent/guardian of rights as stated in **MIRANDA WARNINGS FOR JUVENILE INTERROGATIONS (PD244-1413)** prior to interrogation.
   a. The juvenile may be questioned if he/she waives their rights in the presence of the parent/guardian. The parent /guardian does not have to separately waive the Miranda rights; they only need to be advised of such rights. However, if the parent/guardian objects to the questioning or requests an attorney for the juvenile, no questioning should occur even if the juvenile is willing to answer questions.

***NOTE*** *If the parent/guardian cannot be notified, a juvenile MAY be questioned ONLY after:*

*a. Every reasonable effort has been made to notify parent/guardian*
*b. Determining the necessity for questioning at this time*
*c. Considering the age, apparent intelligence of the juvenile, and the ability of the juvenile to understand Miranda Warnings.*

***NOTE (continued)*** *If the juvenile MUST be questioned, the officer MUST be prepared to testify that a "good faith" attempt was made to have a competent adult (e.g., relative, clergyman, teacher, etc.), other than law enforcement personnel, present during questioning; that the juvenile and the competent adult were advised jointly of the Miranda Warnings; that they understand these rights; and the effect of a waiver on these rights.*

**ARRESTING OFFICER (continued)**

8. Prepare handwritten copy of **ON LINE BOOKING SYSTEM ARREST WORKSHEET (PD244-159)** and **COMPLAINT REPORT WORKSHEET (PD313-152A)**, if applicable, at interrogation location.
   a. Enter specific offenses under "charges" with juvenile offender or adolescent offender crimes listed first.
   b. Enter words "Juvenile Offender" or "Adolescent Offender" in box captioned "DAT - Return Date."

***NOTE*** *A juvenile offender or adolescent offender is NOT eligible for Personal Recognizance, except in those circumstances delineated in P.G. 208-27, "Desk Appearance Ticket – General Procedure."*

9. Prepare **JUVENILE ARREST INVESTIGATION/PROBATION INTAKE REPORT WORKSHEET (PD277-151a)** at interrogation location.
   a. Attach hard copy of warrant check.
10. Prepare **PROPERTY CLERK INVOICE WORKSHEET (PD521-141)**, if necessary.
11. Prepare **DISTRICT ATTORNEY BODY-WORN CAMERA CHECKLIST (PD220-141)**.
12. Ensure that juvenile offender or adolescent offender is fingerprinted and palmprinted in conformance with *P.G. 208-11, "Arrest Processing – 'Livescan' Fingerprinting and Palmprinting.*"
13. Deliver property and **WORKSHEET** to desk officer.

**DESK OFFICER**

14. Review and sign all arrest documents.
15. Ensure distribution of **JUVENILE ARREST INVESTIGATION/ PROBATION INTAKE REPORT (PD277-151)**.
16. Keep juvenile offender or adolescent offender segregated from adult prisoners while in custody.
    a. Direct that juvenile offender or adolescent offender be placed in forward patrol wagon compartment and adult prisoners in rear compartment if being transported at the same time.
17. Ensure delivery of **ON LINE BOOKING SYSTEM ARREST WORKSHEET**, **COMPLAINT REPORT (PD313-152)**, if prepared, **DISTRICT ATTORNEY BODY-WORN CAMERA CHECKLIST**, **ARREST CHECKLIST (PD244-041)**, and related forms as directed by Juvenile Crime Desk, as appropriate.

**ARRESTING OFFICER**

18. Juvenile offenders and adolescent offenders will be arraigned in Supreme Court Youth Part in all boroughs, Monday through Friday, between 0900 and 1700 hours.
    a. On weeknights when Youth Part is closed, the borough Criminal Court will preside as the Youth Part.
19. Juvenile offenders and adolescent offenders are to be detained in juvenile rooms.
20. In limited circumstances, such as when there are cross-complainants in custody or a concern for the safety of members of the service or other prisoners(s) is present, juveniles classified as adolescent offenders may be detained in detention holding areas or individual cells provided no adult prisoners are lodged therein.

***NOTE*** *Precinct based investigative units, including Precinct Detective Squad/Burglary/Robbery Apprehension Modules, will enhance any case being made against a juvenile offender or violent adolescent offender.*

**BOROUGH COURT SECTION SUPERVISOR**

21. Give juvenile offenders, adolescent offenders, and companion case adult offenders priority in arrest processing, preparation of court complaint, arraignment, etc.
22. Ascertain that **ON LINE BOOKING SYSTEM ARREST WORKSHEET** and other related forms are prepared accurately.

**BOOKING OFFICER**

23. Determine if arraignment of juvenile offender or adolescent offender can be completed in Supreme Court Youth Part.
    a. On weeknights when Youth Part is closed, the borough Criminal Court will preside as the Youth Part.

***NOTE*** *Members are reminded to confer with the Juvenile Desk for instructions.*

    b. If juvenile offender or adolescent offender is in the precinct of occurrence and arraignment cannot be completed, the desk officer, precinct of occurrence, must arrange transportation of juvenile to the designated juvenile lodging location, after conferral with the borough Court Section supervisor.
    c. If juvenile arrives at borough Court Section facility and it is determined the arraignment cannot be completed, and that facility is not a designated lodging location, the borough Court Section supervisor will direct the arresting officer and/or escort officer to transport juvenile to the designated lodging location.

***NOTE*** *UNDER NO CIRCUMSTANCES WILL JUVENILE OFFENDERS OR ADOLESCENT OFFENDERS WHO ARE AWAITING ARRAIGNMENT, BE DETAINED OVERNIGHT AT A DEPARTMENT OF JUVENILE JUSTICE DETENTION CENTER.*

***ADDITIONAL DATA***

*If the assistant district attorney declines to prosecute the juvenile offender or adolescent offender and directs that the juvenile offender or adolescent offender be released, the arresting officer will comply with P.G. 210-16, "Release of Prisoner at the Complaint Room By Direction of the Assistant District Attorney." If the assistant district attorney directs that the charges be reduced to an offense not meeting juvenile offender or adolescent offender classification but sufficient for processing as a juvenile delinquent, the arresting officer shall process the offender as a juvenile delinquent. The arresting officer will notify the borough Court Section supervisor so that the* ***ON LINE BOOKING SYSTEM ARREST WORKSHEET*** *may be changed if not already forwarded, or an* ***ARREST REPORT - SUPPLEMENT (PD244-157)*** *be prepared if* ***ON LINE BOOKING SYSTEM ARREST WORKSHEET*** *has been forwarded.*

*The arresting officer will also notify the Juvenile Desk of any change in the charge(s) that will amend the status of the juvenile (e.g., upgrade in charge(s) or additional charges, assistant district attorney declines to prosecute juvenile, etc.).*

*The identity of a juvenile under 18 years of age who has been arrested and charged as a juvenile offender or adolescent offender (see "Definitions" above) may be released. However, the identity of a juvenile taken into custody for juvenile delinquency MAY NOT be released.*

*In those instances where a juvenile is charged with both a Vehicle and Traffic Law (VTL) and a non-VTL misdemeanor (such as a Penal Law misdemeanor) arising from the same incident, either a summons or a Desk Appearance Ticket for the VTL misdemeanor must be issued, if eligible. If the juvenile does not qualify for a summons or a Desk Appearance Ticket and the arrest for the VTL misdemeanor is to be processed online, contact the Juvenile Crime Desk to ascertain whether the juvenile is eligible for a Family Court Appearance Ticket on the non-VTL misdemeanor.*

***RELATED PROCEDURES***

*Arrests – General Processing (P.G. 208-03)*
*Photographable Offenses (P.G. 208-07)*
*Fingerprintable and Palmprintable Offenses (P.G. 208-08)*
*Arrest Processing - "Livescan" Fingerprinting and Palmprinting (P.G. 208-11)*
*Change In Arrest Charges (P.G. 208-17)*
*Performing Local, State and Federal Warrant Checks (P.G. 208-22)*
*Computerized Investigation Report Worksheet System (P.G. 208-23)*
*Desk Appearance Ticket – General Procedure (P.G. 208-27)*
*Notification to the Detective Bureau when a Specified Condition Exists/is Suspected (P.G. 208-73)*
*Release Of Prisoner At Complaint Room By Direction of Assistant District Attorney (P.G. 210-16)*
*Release of Information to News Media (P.G. 212-77)*
*Offenses Committed By A Juvenile Under 18 Years Of Age (Other Than A Juvenile Offender or Adolescent Offender) (P.G. 215-09)*
*Utilization of the Juvenile Desk (P.G. 215-21)*

***FORMS AND REPORTS***

***ARREST REPORT SUPPLEMENT (PD244-157)***
***ARREST CHECKLIST (PD244-041))***
***COMPLAINT REPORT (PD313-152)***
***JUVENILE ARREST INVESTIGATION/PROBATION INTAKE REPORT (PD277-151)***
***JUVENILE ARREST INVESTIGATION/PROBATION INTAKE REPORT WORKSHEET (PD277-151a)***
***ON LINE BOOKING SYSTEM ARREST WORKSHEET (PD244-159)***
***PROPERTY CLERK INVOICE WORKSHEET (PD521-141)***
***DISTRICT ATTORNEY BODY-WORN CAMERA CHECKLIST (PD220-141)***

NYPD

# PATROL GUIDE

| Section: Juvenile Matters | | Procedure No: 215-11 | |
|---|---|---|---|
| **ARREST OF JUVENILE UNLAWFULLY IN CERTAIN LICENSED PREMISES** | | | |
| DATE ISSUED: 09/30/19 | DATE EFFECTIVE: 10/01/19 | REVISION NUMBER: | PAGE: 1 of 1 |

**PURPOSE** To take a juvenile found in certain licensed premises into protective custody.

**DEFINITIONS** JUVENILE – An individual actually or apparently under 18 years of age.
LICENSED PREMISES - Public dance halls, cabarets, catering establishments, bars and grills, pool and billiard parlors, bowling alleys, skating rinks, theaters, motion picture theaters.

**UNIFORMED MEMBER OF THE SERVICE**

1. Ascertain age of the juvenile.
2. Determine if presence is unlawful.
3. Take juvenile in to protective custody if presence in premises is in violation of law and arrest proprietor or person in charge.
   a. If a premise is a pool/billiard parlor, or bowling alley, issue a summons in lieu of arrest.
   b. If proprietor/person in charge is arrested, indicate under "Details" of **ON LINE BOOKING SYSTEM ARREST WORKSHEET (PD244-159)** a brief statement indicating person in charge of premises permitted or had knowledge of violation and actions that led arresting officer to make this conclusion.
4. Escort juvenile home, if residence is located within city.
   a. If residence of juvenile is outside city limits, handle as "Child Requiring Shelter" until provision is made for returning juvenile home.
5. Inform parents of juvenile of unlawful presence and question concerning reason.
6. Advise parent of legal responsibilities.
7. Prepare **JUVENILE REPORT SYSTEM WORKSHEET (PD377-159A)** and **COMPLAINT REPORT WORKSHEET (PD313-152A)**, as per *P.G. 215-08, "On-Line Juvenile Report System"* and include under "Details" section:
   a. Occupation of parent/guardian
   b. Statements of parent/guardian.
8. Submit **WORKSHEETS** to desk officer.

**DESK OFFICER**

9. Review **WORKSHEETS** for accuracy and sign.
10. Process in normal manner.

**COMMANDING OFFICER**

11. Forward report of action taken to Chief of Department, Investigation Review Section, DIRECT, if premises is:
    a. Catering establishment
    b. Cabaret
    c. Public dance hall.

***RELATED PROCEDURES*** *Children or Minors Requiring Care and/or Shelter (P.G. 215-01)*
*On-Line Juvenile Report System (P.G. 215-08)*

***FORMS AND REPORTS*** ***COMPLAINT REPORT WORKSHEET (PD313-152A)***
***JUVENILE REPORT SYSTEM WORKSHEET (PD377-159A)***
***ON LINE BOOKING SYSTEM ARREST WORKSHEET (PD244-159)***

**PURPOSE** To release a juvenile, at least 7 but less than 18 years of age, to the custody of parent, guardian, lawful custodian, or reasonably responsible adult relative for appearance at Family Court.

**PROCEDURE** When the release of a child on personal recognizance is appropriate.

**DESK OFFICER**

1. Determine if applicant is parent/guardian, lawful custodian, or reasonable responsible adult relative by evidence of identity and relationship to juvenile.

***NOTE***

*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" or "Adolescent Offender" (P.G. 215-10)*
*g. Juvenile is a "Designated Felon" and Family Court is in session*
*h. Juvenile is arrested for a felony and conferral with the Juvenile Desk indicates that the juvenile is awaiting trial on a violent felony*
*i. An act committed by a juvenile against a member of his or her family/household (as per P.G. 208-36, "Family Offenses/Domestic Violence") (NYPD expanded definition) is a felony assault, or any sex offense, or other circumstances exist where the release of juvenile would be dangerous to a member of the same family/household.*

*If a juvenile is alleged to have committed one or more of the listed "Designated Felony" offenses (see ADDITIONAL DATA) and Family Court is in session, the member concerned will take the juvenile delinquent to Family Court without delay unless interrogation of the juvenile is required. If questioning is necessary, the member will take the juvenile to a command location which has been approved as a suitable facility for the interrogation of juveniles. An* ***APPEARANCE TICKET - FAMILY COURT (PD277-130)*** *will 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**

2. Prepare **JUVENILE ARREST INVESTIGATION/PROBATION INTAKE REPORT WORKSHEET (PD277-151a)**.

WHEN JUVENILE IS TO BE RELEASED

**UNIFORMED MEMBER OF THE SERVICE**

3. Prepare **APPEARANCE TICKET-FAMILY COURT (PD277-130)** and have applicant sign in place provided.
   a. If the person refuses to sign the form, the word "REFUSED" will be entered on the signature line.

***NOTE*** *Refusal of a parent/guardian, etc., to sign does not bar release of the juvenile and issuance of the **APPEARANCE TICKET**. However, if the parent/guardian, etc., refuses to take custody of the juvenile, the juvenile must be remanded.*

4. Distribute copies as indicated on form.
   a. Provide complainant with pink copy of **APPEARANCE TICKET - FAMILY COURT**, if applicable.
5. Prepare and deliver to complainant, **JUVENILE DELINQUENT ARREST COMPLAINANT'S NOTIFICATION TO APPEAR (PD277-120)**.

***NOTE*** *This form must be prepared in all arrests whether the juvenile is released on personal recognizance or is to be detained.*

**DESK OFFICER**

6. Attest to the accuracy and completeness of forms by signing forms in appropriate spaces with rank, name, and shield number/tax number.

***NOTE*** *All juveniles taken into custody for the same incident must appear at the same time and place for intake processing. If one juvenile does not qualify for personal recognizance, all others (acting in concert) who are released on personal recognizance, must appear at the borough Family Court on the next morning that court is in session.*

**UNIFORMED MEMBER OF THE SERVICE**

7. Prepare arrest package containing the following forms:
   a. Copy - **ON LINE BOOKING SYSTEM ARREST WORKSHEET (PD244-159)**
   b. BUFF copy - **APPEARANCE TICKET - FAMILY COURT**
   c. Evidence/Release Investigation copy of appropriate **PROPERTY CLERK INVOICE (PD521-141)**, if evidence is involved.
   d. Copy of **COMPLAINT REPORT (PD313-152)**, if finalized and signed-off. If not finalized and signed-off, the **COMPLAINT REPORT WORKSHEET (PD313-152A)** will be submitted.
   e. **AIDED REPORT**, if prepared.
   f. Copy of digital **Activity Log** entry.
   g. **JUVENILE ARREST INVESTIGATION/PROBATION INTAKE REPORT (PD277-151)**.
      (1) Distribute remaining copies to precinct youth coordination officer, Youth Strategies Division, and juvenile detention facility, if juvenile is detained.
   h. Any other related arrest information including copies of arresting officer's/investigator's personal notes.

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

i. Document all contents of arrest package on **ARREST CHECKLIST (PD244-041)**.

***NOTE*** *In ALL cases of an arrest of a juvenile, other than a juvenile offender or adolescent offender, the desk officer will ensure the above forms/reports are faxed or emailed to the respective borough Court Section (Attn: NYPD Family Court Liaison Officer) (see ADDITIONAL DATA statement for listing of liaison officers). During business hours, the Family Court Liaison Officer will be called to verify receipt of the above reports. During non-business hours, the fax transmittal receipt or copy of sent email, indicating receipt of the above reports at the borough Court Section, will be obtained and attached to the court package.*

IF JUVENILE IS TO BE DETAINED

**UNIFORMED MEMBER OF THE SERVICE**

8. Call the designated Administration for Children's Services (ACS) facility to arrange for lodging.
9. Forward copy of **ON LINE BOOKING SYSTEM ARREST WORKSHEET**, **COMPLAINT REPORT**, if prepared, and copy of **JUVENILE ARREST INVESTIGATION/ PROBATION INTAKE REPORT** to juvenile detention facility with juvenile.
10. Appear in Family Court, located in borough of arrest, with civilian complainant, if any, the next morning that court is in session.

***NOTE*** *Members will adhere to P.G. 215-23, "Court Processing of Arrests of Juvenile Delinquents on Weekends and Court Holidays" if an appearance at Family Court is requested on a weekend or court holiday and the borough Family Court is not in session.*

IF CHILD, ELIGIBLE FOR RELEASE, HAS BEEN SENT TO A DETENTION SHELTER

**DESK OFFICER**

11. Notify juvenile counselor on duty at shelter.
12. Prepare **NOTICE OF RECOGNIZANCE - JUVENILE DELINQUENT (PD209-121)** and give to applicant for presentation at place of detention.
13. Make Command Log entry when notified by officer at shelter that juvenile has been released.
14. Notify arresting officer of release and scheduled appearance date.

***NOTE*** *If applicant appears at a command where the shelter is located, the desk officer will telephone the command of arrest and carry out steps "11 through 14" above.*

***ADDITIONAL DATA*** *If laboratory examination of a controlled substance or a firearm is required, the Police Laboratory/Firearms Analysis Section, as appropriate, will forward a copy of the results of the analysis to the Family Court Liaison Officer, Family Court concerned, when such report is requested.*

***ADDITIONAL DATA (continued)***

*DESIGNATED FELONIES - JUVENILE DELINQUENTS*

| *AGE/S* | *OFFENSE* | *PENAL LAW SECT.* |
|---|---|---|
| *13 ONLY* | *Kidnapping 1* | *135.25* |
| *13 ONLY* | *Arson 1* | *150.20* |
| *13 ONLY* | *Assault 1* | *120.10* |
| *13 ONLY* | *Manslaughter 1* | *125.20* |
| *13 ONLY* | *Rape 1* | *130.35* |
| *13 ONLY* | *Criminal Sexual Act 1* | *130.50* |
| *13 ONLY* | *Aggravated Sexual Abuse 1* | *130.70* |
| *13 ONLY* | *Arson 2* | *150.15* |
| *13 ONLY* | *Robbery 1* | *160.15* |
| *13 ONLY* | *Murder 2 (subdivision 3)* | *125.25* |
| *13 ONLY* | *Attempted Murder 2* | *110/125.25* |
| *13 ONLY* | *Attempted Kidnapping 1* | *110/135.25* |
| *14 & 15 ONLY* | *Assault 1 (subdivisions 3 and 4)* | *120.10* |
| *14 & 15 ONLY* | *Rape 1 (subdivision 3)* | *130.35* |
| *14 & 15 ONLY* | *Criminal Sexual Act 1 (subdivision 3)* | *130.50* |
| *13, 14, 15 ONLY* | *Murder 1* | *125.27* |
| *13, 14, 15 ONLY* | *Attempted Murder 1* | *110/125.27* |
| *13, 14, 15 ONLY* | **Kidnapping 2* | *135.20* |

**(Only where abduction involved use or threat of use of deadly physical force.)*

*If Family Court is closed, and juvenile qualifies for recognizance, a juvenile who has committed a "Designated Felony" may be released after the issuance of an* ***APPEARANCE TICKET-FAMILY COURT.*** *If an* ***APPEARANCE TICKET - FAMILY COURT*** *is issued, the member concerned will obtain the return date from the Juvenile Desk. It should be noted that the Department of Probation has directed that the return date for a released "Designated Felony-Juvenile Delinquent" will be the next date the court is open and the police officer will NOT be excused. Accordingly, the member must appear at Family Court on the next court date for the processing of "Designated Felonies-Juvenile Delinquents."*

*In cases where an* ***APPEARANCE TICKET-FAMILY COURT*** *is issued, the arresting officer will contact the Juvenile Desk to obtain a Family Court return date.*

*If the arresting officer is reporting to court on the day of arrest or the next day, he/she will bring all required forms/reports to borough Court Section sign-in room, in addition to faxing required forms/reports to the respective borough Court Section.*

*If the juvenile is issued an* ***APPEARANCE TICKET-FAMILY COURT****, the desk officer will ensure that all required forms/reports are forwarded to the borough Court Section Family Court Liaison Officer in the next day's a.m. mail, in addition to faxing required forms/reports to the respective borough Court Section.*

*In those instances where the juvenile is removed to the designated Administration of Children's Services (ACS) facility, the desk officer will ensure that copies of the* ***ON-LINE BOOKING SYSTEM ARREST WORKSHEET****,* ***COMPLAINT REPORT*** *(if finalized and signed) or* ***COMPLAINT REPORT WORKSHEET****, if prepared, and the* ***JUVENILE ARREST INVESTIGATION/PROBATION INTAKE REPORT*** *are forwarded with the juvenile, in addition to faxing/emailing required reports/forms to the respective borough Court Section.*

***ADDITIONAL DATA (continued)***

*ARRESTING OFFICER/APPEARANCE IN FAMILY COURT*

| *JUVENILE DELINQUENT* | *FAMILY COURT* |
|---|---|
| *REMANDED (**APPEARANCE TICKET-FAMILY COURT** NOT ISSUED)* | *APPEAR 0900 HOURS NEXT BUSINESS DAY* |
| *RELEASED ON RECOGNIZANCE FOR DESIGNATED FELONY* | *APPEAR 0900 HOURS NEXT BUSINESS DAY* |
| *RELEASED ON RECOGNIZANCE FOR NON-DESIGNATED FELONY* | *ARRESTING OFFICER EXCUSED* |

*Members will adhere to P.G. 215-23, "Court Processing of Arrests of Juvenile Delinquents on Weekends and Court Holidays" if an appearance at Family Court is requested on a weekend or court holiday and the borough Family Court is not in session.*

*On weeknights, when Family Court is closed, youth who fail to qualify for an **APPEARANCE TICKET – FAMILY COURT** will be processed at Manhattan Criminal Court, located at 100 Centre Street*

*BOROUGH COURT SECTION FAMILY COURT LIAISONS*

| *BOROUGH* | *ADDRESS* |
|---|---|
| *MANHATTAN* | *60 LAFAYETTE STREET* |
| *BROOKLYN* | *330 JAY STREET* |
| *BRONX* | *900 SHERIDAN AVENUE* |
| *QUEENS* | *151-20 JAMAICA AVENUE* |
| *STATEN ISLAND* | *100 RICHMOND TERRACE* |

***RELATED PROCEDURES***

*Computerized Investigation Report Worksheet System (P.G. 208-23)*
*Family Offenses/Domestic Violence (P.G. 208-36)*
*Offense Committed by a Juvenile Under 18 Years of Age (Other than a Juvenile Offender or Adolescent Offender) (P.G. 215-09)*
*Arrest of Juvenile Offender or Adolescent Offender (P.G. 215-10)*
*Court Processing of Arrests of Juvenile Delinquents on Weekends and Court Holidays (P.G. 215-23)*

***FORMS AND REPORTS***

***AIDED REPORT***
***APPEARANCE TICKET-FAMILY COURT (PD277-130)***
***ARREST CHECKLIST (PD244-041)***
***COMPLAINT REPORT (PD313-152)***
***JUVENILE ARREST INVESTIGATION/PROBATION INTAKE REPORT (PD277-151)***
***JUVENILE ARREST INVESTIGATION/PROBATION INTAKE REPORT WORKSHEET (PD277-151a)***

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

***JUVENILE DELINQUENT ARREST COMPLAINANT'S NOTIFICATION TO APPEAR (PD277-120)***
***NOTICE OF RECOGNIZANCE-JUVENILE DELINQUENT (PD209-121)***
***ON LINE BOOKING SYSTEM ARREST WORKSHEET (PD244-159)***
***PROPERTY CLERK INVOICE (PD521-141)***

NYPD

**PURPOSE** To set forth a policy for the handcuffing/restraining of students within New York City public schools to ensure the safety of members of the service and students being taken into custody for an arrest or, when being safeguarded as an emotionally disturbed person.

**SCOPE**

HANDCUFFING/RESTRAINING POLICY FOR STUDENTS:

The safety of all persons involved is the predominant factor in determining if a student should be restrained and which type of restraint used. When operating in a school environment, the minimum level of restraint necessary should be utilized to secure the student who is being restrained for an arrest or being safeguarded as an emotionally disturbed person. Members of the service should confer and coordinate with school administrative staff, including the principal, dean, teachers and guidance counselor in instances where it may be necessary to restrain a student, when possible and when appropriate and consistent with personal safety, to reduce or eliminate the necessity to use force.

Absent exigent circumstances, handcuffs/alternative restraints/Velcro cuffs should NOT be placed on a student while in a classroom, cafeteria, or area where other students are located. Members of the service should coordinate with school officials to have the student removed to a semi-private location (e.g., principal's office, school security office, etc.) when possible.

When it is necessary to handcuff students 16 years of age and above, metal handcuffs will be used. Alternative restraints will **NOT** be utilized for students sixteen years of age and above.

RESTRAINING STUDENTS UNDER 12 YEARS OF AGE:

Metal handcuffs should not be used on students less than twelve years of age without prior approval of the neighborhood coordination sergeant, patrol sergeant or school safety supervisor, whenever possible. Metal handcuffs will only be used as a last resort when other means of restraint are not effective and the student, members of the service or others, would face a risk of bodily harm if metal handcuffs were not used.

The Department is committed to recognizing that handcuffing students in a school facility has unique and sensitive aspects. Incidents that are not criminal but are related to school discipline only, are generally not a police matter, but fall under the purview of school officials. Members of the service will ordinarily defer to school officials for appropriate action when incidents committed by students are related only to school discipline. School actions could include parent conferrals, referral to guidance counselors, suspension and/or initiation of mediation procedures. Incidents committed by students within schools that are

**SCOPE (continued)**

low level, non-violent misdemeanor crimes or violations may also be referred to school officials for appropriate action, after a review of the incident by members of the service and a conferral with the school principal/designee.

For the safety of all concerned, the Department's policy is to rear handcuff students who are arrested in a school facility unless mitigating circumstances dictate not to. Consideration should be given to a student's age or special needs status when determining how a student is restrained. A decision may be made not to rear handcuff or use restraints when such special circumstances exist.

Verbal commands, constructive restraint or alternative restraints should be strongly considered or attempted prior to utilizing metal handcuffs.

A student less than twelve years of age will **NOT** be handcuffed to a restraining bar, chair, railing, or other fixed objects and must be kept under constant observation by uniformed member of the service/school safety agent at all times.

Precinct commanding officer/executive officer/duty captain will investigate and prepare a report on **Typed Letterhead** when metal handcuffs are utilized on a student less than twelve years of age, and include a determination regarding the necessity and appropriateness of utilizing metal handcuffs. This report will be forwarded to the Chief of Patrol along with a copy to the Commanding Officer, School Safety Division.

**DEFINITIONS**

CONSTRUCTIVE RESTRAINT – Physical control, with no restraining device employed, using the minimal amount of physical force necessary to control movement in order to ensure the safety of the student (i.e., for use on a student who is obeying all commands).

ALTERNATIVE RESTRAINT – A Velcro restraining device that is an alternative to metal handcuffs when taking a student into custody, who poses a possible safety risk, risk of flight, and/or non-compliance. Only those members of the service trained in the use of Velcro restraining devices may use these alternative restraints. Alternative restraints will not be utilized for students sixteen years of age or older. All school safety agents carry and are trained in the use of alternative restraints/Velcro cuffs.

SPECIAL EDUCATION STATUS – Students with physical, intellectual, or emotional disabilities. Students may have one or more types of disabilities. Students with special education status may be attending any New York City public school.

**PROCEDURE**

When handcuffing/restraining a student for arrest or, safeguarding as an emotionally disturbed person inside or on the grounds of a school facility, during school hours, after school or at weekend school related events:

**UNIFORMED MEMBER OF THE SERVICE**

1. Notify, confer, and coordinate actions with School Safety Division personnel and the principal/designee, prior to taking police action, or when responding to a student experiencing emotional issues in a public school facility, unless exigent circumstances exist.
   a. If conferrals with School Safety personnel or the principal/designee are not possible prior to effecting an arrest due to exigent circumstances, then a notification of the arrest MUST be made to School Safety Division personnel and school principal/designee as soon as practical after the arrest has been effected, or a student has been restrained for emotional issues.
   b. During a conferral with the principal/designee and School Safety Division personnel, discussions should include the option of referring low level non-violent criminal incidents and violations of law committed by a student in a school facility, to school officials for appropriate action in lieu of arrest or a summons.

**UNIFORMED MEMBER OF THE SERVICE/ SCHOOL SAFETY AGENT LEVEL I-III**

2. Inform school personnel of the decision to effect an arrest and the basis of that decision unless physical resistance, flight or other factors render such procedure impractical.
3. Remove student, if possible, to a semi-private location (e.g., principal's office, school security office, etc.).
4. Inform student of authority and cause for arrest, unless physical resistance, flight or other factors render such procedure impractical.
5. Use appropriate level of restraint, as applicable (e.g., constructive restraint, alternative restraints/Velcro cuffs, or metal handcuffs), based on factors described in ADDITIONAL DATA statement under heading "OPERATIONAL CONSIDERATIONS."
6. Request neighborhood coordination sergeant, or if unavailable, patrol supervisor to respond to the scene, whether being taken into custody for an arrest or being safeguarded as an emotionally disturbed person.
7. Keep the student under constant supervision regardless of level of restraint used.
8. DO NOT remove student from a school to a Department facility if, upon investigation, it is determined that the incident involves the commission of a violation.

**NEIGHBORHOOD COORDINATION SERGEANT/ PATROL SUPERVISOR/ SUPERVISOR OF SCHOOL SECURITY**

9. Respond to location and verify that probable cause exists to support the arrest or to supervise the restraining of a student for emotional issues.
10. Assess the type of restraint used and direct change in level of restraint, as appropriate.
11. Advise school administrator to contact their Legal Department, if school administrator objects to arrest.
12. Notify precinct commanding officer/executive officer/duty captain, whenever metal handcuffs are utilized to restrain a student less than twelve years of age for any period of time.

**PRECINCT COMMANDING OFFICER/ EXECUTIVE OFFICER/ DUTY CAPTAIN**

13. Investigate and prepare a report on **Typed Letterhead** when metal handcuffs are utilized on a student less than twelve years of age, and include a determination regarding the necessity and appropriateness of utilizing metal handcuffs.
    a. Forward **Typed Letterhead** to the Chief of Patrol, along with a copy to the Commanding Officer, School Safety Division.

**NEIGHBORHOOD COORDINATION SERGEANT**

14. Meet with principals of schools located within the command at the beginning of each school year to discuss school conditions, and to apprise them of the Department's handcuffing/restraining policy.

**SCHOOL SAFETY AGENT LEVEL I-II**

15. Be aware of all police action taken on school grounds and document any police action taken on **SCHOOL SAFETY DIVISION CRIMINAL INCIDENT REPORT (PD313-147)**.

**SCHOOL SAFETY AGENT LEVEL III/ SUPERVISOR OF SCHOOL SECURITY**

16. Verify that **SCHOOL SAFETY DIVISION CRIMINAL INCIDENT REPORTS** are prepared as required.

***ADDITIONAL DATA***

*OPERATIONAL CONSIDERATIONS*

*Constructive restraint or alternative restraints/Velcro cuffs may be utilized when it is necessary to take a student into police custody. Nothing in this procedure prevents a member of the service from removing restraints from a student or moving to a lower level of restraint (i.e., from metal handcuffs to alternative restraints or, from alternative restraints to constructive restraint) when the incident has stabilized and the student is no longer a danger to themselves or others.*

*The safety of all persons involved is the predominant factor in determining if a student should be restrained, and if restrained, which method is utilized. It is incumbent on the member of the service to use a reasonable belief standard in determining the level of restraint. Factors that may be considered in making this determination include the following:*

*a. Age of the student (generally a student who is less than twelve years of age; however, students under the age of sixteen may be eligible for alternative restraints, dependent upon circumstances)*
*b. Physical stature of the student*
*c. Type of offense/nature of incident (including use of weapons)*
*d. Presence of student's parent/guardian*
*e. Special education status*
*f. The reputation of the student with school authorities (including whether the student has a history of emotional or behavioral difficulties)*

***ADDITIONAL DATA (continued)***

*g. The student's demeanor and compliance with instructions given by school staff, parents, and members of the service*

*h. Whether the student is demonstrating behavior that may cause imminent harm to themselves or others*

*i. Whether there is possible risk of escape*

*j. Medical, mental, physical and/or emotional condition/limitation of the student, if known.*

*If a juvenile has been arrested and removed from a school to a Department facility for arrest processing, a notification must be made to the Juvenile Crime Desk. The Juvenile Crime Desk will assist supervisors in making a determination as to whether that juvenile should be released on a* ***JUVENILE REPORT SYSTEM WORKSHEET (PD377-159A)*** *or, if the juvenile should be processed as a Juvenile Delinquent as per P.G. 215-09, "Offense Committed by a Juvenile Under 17 Years of Age (Other than a Juvenile Offender or Adolescent Offender)."*

*LEGAL CONSIDERATIONS*

*Whether probable cause to arrest exists will be determined by the Police Department. While the desires of school personnel (principals, teachers, etc.) may be considered by the member of the service in determining whether an arrest is warranted, the views of school personnel are NOT controlling. In the event a conflict arises between a member of the service who wishes to effect an arrest of a student and school personnel, the member of the service will request the response of the neighborhood coordination sergeant or, if unavailable, the patrol supervisor.*

*The final decision as to whether to take a student into custody for a criminal offense and the method of restraint rests with the ranking uniformed police supervisor present at the scene.*

*Under no circumstances will school personnel be permitted to interfere with an arrest.*

***RELATED PROCEDURES***

*Arrests – General Processing (P.G. 208-03)*
*Prisoners – General Procedure (P.G. 210-01)*
*Truants (P.G. 215-07)*
*Offense Committed by a Juvenile Under 17 Years of Age (Other than a Juvenile Offender or Adolescent Offender) (P.G. 215-09)*
*Reporting and Recording Public School-Related Criminal Incidents (P.G. 215-16)*
*Police Actions, Related Questioning, Arrests and Investigations at a NYC Department of Education School/Property (P.G. 215-17)*
*Mentally Ill or Emotionally Disturbed Persons (P.G. 221-13)*

***FORMS AND REPORTS***

***SCHOOL SAFETY DIVISION CRIMINAL INCIDENT REPORT (PD313-147)***
***JUVENILE REPORT SYSTEM WORKSHEET (PD377-159A)***
***Typed Letterhead***

| Section: Juvenile Matters | | Procedure No: 215-14 | |
|---|---|---|---|
| **CHILD ADVOCACY REFERRALS IN THE BOROUGHS OF BROOKLYN, QUEENS AND MANHATTAN** | | | |
| DATE ISSUED: 12/03/14 | DATE EFFECTIVE: 12/03/14 | REVISION NUMBER: | PAGE: 1 of 2 |

**PURPOSE** To enhance investigations of complaints/arrests made for cases of child abuse and/or sex crimes in the boroughs of Brooklyn, Queens and Manhattan.

**DEFINITION** ABUSED CHILD (SECTION 1012, FAMILY COURT ACT)

Means a child less than eighteen years of age whose parent or person legally responsible for his care:

a. Inflicts or allows to be inflicted upon such child, physical injury by other than accidental means which causes or creates a substantial risk of death, or serious or protracted disfigurement, or protracted impairment of physical or emotional health, or protracted loss or impairment of the function of any bodily organ, OR

b. Creates or allows to be created, a substantial risk of physical injury to such child other than by accidental means which would be likely to cause death, or serious or protracted disfigurement, or protracted impairment of physical or emotional health, or protracted loss or impairment of the function of any bodily organ, OR

c. Commits or allows to be committed, a sex offense against such child defined in Article 130 of the Penal Law; allows, permits or encourages such child to engage in any act described in Sections 230.25, 230.30, and 230.32 of the Penal Law; commits any of the acts in Section 255.25 of the Penal Law; or allows such child to engage in acts or conduct described in Article 263 of the Penal Law provided, however, that (a) the corroboration requirements contained in the Penal Law and (b) the age requirement for the application of Article 263 of such law shall not apply to proceedings under this Article.

**PROCEDURE** Whenever there is a complaint/arrest in the boroughs of Brooklyn, Queens and Manhattan involving a child:

a. Less than eleven years of age who is the victim of child abuse, OR

b. Less than thirteen years of age who is the victim of any sex crime or attempted sex crime:

**UNIFORMED MEMBER OF THE SERVICE**

1. Promptly notify desk officer, precinct of occurrence.
2. Notify the Administration for Children's Services, Instant Response Team (ACS/IRT) Coordinator whenever:
   a. A child is removed from a household by police personnel; or
   b. An arrest is made in connection with the abuse or neglect of a child.
3. Prepare reports as specified in *P.G. 215-03, "Emergency Removals or Investigation and Reporting of Abused, Neglected, or Maltreated Children."*
4. Notify the New York State Central Registry of Child Abuse.
5. Prepare **COMPLAINT REPORT WORKSHEET (PD313-152A)**.

**DESK OFFICER**

6. Promptly notify Special Victims Division of complaint/arrest and provide preliminary details.
   a. Notify the desk officer, police service area (PSA)/transit district, when incident/arrest occurred on housing/transit jurisdiction, as appropriate.

**SPECIAL VICTIMS DIVISION**

7. Notify the appropriate borough Child Abuse Squad concerned, provide details and coordinate the response to incident.
8. Notify desk officer, precinct of occurrence and provide investigative unit's estimated time of arrival to incident.

**CHILD ABUSE SQUAD, MEMBER CONCERNED**

9. Respond to incident and conduct investigation.
10. Determine if a case enhancement is needed in arrest situations.

**UNIFORMED MEMBER OF THE SERVICE**

11. Enter under "Notifications To" section on rear of **COMPLAINT REPORT WORKSHEET**:
    a. Name of member of the service notified at Special Victims Division, the appropriate borough Child Abuse Squad assigned, investigator assigned and case number, if available
    b. Include any other investigative unit assigned, investigator assigned and case number, if applicable (e.g., IAB, Crime Scene Unit, etc.).

***RELATED PROCEDURES***

*Preliminary Investigation of Complaints (Other Than Vice Related or Narcotics Complaints) (P.G. 207-07)*
*Emergency Removals or Investigation and Reporting of Abused, Neglected, or Maltreated Children (P.G. 215-03)*

***FORMS AND REPORTS***

***COMPLAINT REPORT WORKSHEET (PD313-152A)***

| Section: Juvenile Matters | | Procedure No: 215-15 | |
|---|---|---|---|
| **CONFISCATION OF NEW YORK CITY TRANSIT STUDENT METRO CARDS** | | | |
| DATE ISSUED: 07/01/20 | DATE EFFECTIVE: 07/01/20 | REVISION NUMBER: | PAGE: 1 of 2 |

**PURPOSE** To establish procedures and guidelines for the confiscation of a New York City Transit Student Metro Card.

**SCOPE** If a Student Metro Card is illegally possessed i.e., one which was legally issued to another, it will be confiscated and further police action will be taken depending upon the circumstances. When a student has committed a felony or a misdemeanor against New York City Transit property, employees or passengers, and possesses a Student Metro Card legally, that card will be confiscated and appropriate police action will be taken.

**DEFINITION** STUDENT METRO CARDS - Utilized by students going to and from school and school events on New York City Transit subways and New York City/MaBSTOA local buses, as well as Staten Island Railroad trains at St. George Terminal. Student Metro Cards are valid from 0530 to 2030 hours on school days. Night School Student Metro Cards are valid from 1300 to 0100 hours. Student Metro Cards must be swiped in a turnstile and may not merely be displayed to permit entry. New York City Transit encourages students to sign their Metro Cards, but this is not a requirement. An unsigned card is valid, and should NOT be confiscated merely because it is unsigned.

**PROCEDURE** When a Student Metro Card is confiscated:

**UNIFORMED MEMBER OF THE SERVICE**

1. Prepare **SCHOOL TRANSPORTATION PASS CONFISCATION REPORT (PD516-170)**.

IF IT IS SUSPECTED THAT THE CARD MAY HAVE BEEN REPORTED LOST OR STOLEN:

**UNIFORMED MEMBER OF THE SERVICE**

2. Call the New York City Transit Fare Media Unit for school of issuance.
3. Call the school where the card was issued, to verify if the card has been reported lost or stolen.
4. Indicate on the **SCHOOL TRANSPORTATION PASS CONFISCATION REPORT**, when lost/stolen card verification cannot be made during non-business hours.
5. Prepare other Department reports as required.
6. Record all information in digital **Activity Log**.
7. Enter the **PROPERTY CLERK INVOICE (PD521-141)** number on the **SCHOOL TRANSPORTATION PASS CONFISCATION REPORT**, if Student Metro Card is vouchered as evidence.
   a. DO NOT write on confiscated card.
8. Submit completed **SCHOOL TRANSPORTATION PASS CONFISCATION REPORT** and confiscated card to the precinct/district desk officer.

**PRECINCT/ DISTRICT DESK OFFICER**

9. Review completed **SCHOOL TRANSPORTATION PASS CONFISCATION REPORT** for completeness and accuracy and sign the appropriate caption.
10. Direct that a check be made by second platoon clerical personnel on the next business day, if **SCHOOL TRANSPORTATION PASS CONFISCATION REPORT** indicates that a lost/stolen card check was not made.
11. Have original and first copy of **SCHOOL TRANSPORTATION PASS CONFISCATION REPORT** with confiscated card forwarded to Transit Bureau, Patrol Operations.
    a. Retain second copy in command file.

**TRANSIT BUREAU, PATROL OPERATIONS**

12. Maintain first copy of **SCHOOL TRANSPORTATION PASS CONFISCATION REPORT** for filing as a juvenile record.
    a. Forward original with card to:
       Manager of Fare Media-New York City Transit, 370 Jay Street, Brooklyn, New York, 11201.

***ADDITIONAL DATA***

*Certain categories of Metro Cards produce different colored lights at the turnstile. Student Metro Cards produce an amber light; police and transit employee Metro Cards produce a green light; and half-fare cards (senior citizens, handicapped, etc.) produce a red light. No light is produced by a full fare Metro Card. Police officers may detect the improper use of a Student Metro Card by an adult, or of an adult employee's card by a youth, by noticing the color of light produced when the card is swiped. Questions about the proper use of Metro Cards may be referred to the New York City Transit Fare Media Unit.*

***RELATED PROCEDURE***

*Processing of Found Property Recovered by School Safety Agents in Facilities or on Property Owned by the Department of Education (P.G. 218-46)*

***FORMS AND REPORTS***

***PROPERTY CLERK INVOICE (PD521-141)***
***SCHOOL TRANSPORTATION PASS CONFISCATION REPORT (PD516-170)***

**PURPOSE** To record and monitor public school-related criminal incidents, thus enabling the Police Department to conduct timely incident analysis, develop strategies and tactics, and effectively deploy resources.

**DEFINITION** PUBLIC SCHOOL-RELATED CRIMINAL INCIDENT(S) incidents occurring on public school grounds, in the immediate vicinity of the school, on a school bus, at a school-sponsored event or while traveling to and from school, including the following:

a. Any felony or misdemeanor offense.
b. Any incident involving:
   1) Gangs
   2) Weapons
   3) Controlled substances.
c. Violation offenses involving:
   1) Fireworks
   2) Trespass
   3) Disorderly Conduct
   4) Harassment
   5) Loitering
   6) Marijuana.

***NOTE*** *School Safety Agents, School Safety Agents Level III, School Safety Division supervisors, School Safety Division Operations Center supervisors and police supervisors will ensure that the student's name (as victim, witness, or suspect), or the identity of victims of sex-related offenses, are not recorded on the* ***SCHOOL SAFETY DIVISION CRIMINAL INCIDENT REPORT (PD313-147)*** *for offenses as per "c" above. Such victims will be indicated by use of the term "person(s) known to this Department."*

**PROCEDURE** When a public school-related criminal incident occurs:

a. On public school grounds
b. In the immediate vicinity of the school
c. On a school bus
d. At a school-sponsored event or
e. While traveling to and from school:

**SCHOOL SAFETY AGENT/ U.M.O.S. ASSIGNED TO THE SCHOOL**

1. Request police response, via 911/radio dispatcher if an emergency, or via local precinct in other situations.
2. Request School Safety Agent Level III to respond.
3. Notify school principal/designee.

**SCHOOL SAFETY AGENT LEVEL III**

4. Respond to incident location.
5. Review actions taken by School Safety Division personnel.
6. Ensure that all required notifications are made, including the Patrol Borough Liaison Captain in situations of a serious nature.

***NOTE*** *If the School Safety Agent Level III is unavailable, a School Safety Supervisor will be requested to respond from the School Safety Borough Command and perform the duties of the School Safety Agent Level III.*

**SCHOOL SAFETY AGENT/ PRECINCT U.M.O.S. ASSIGNED TO THE SCHOOL**

7. Interview students, complainants and witnesses in accordance with *P.G. 215-17, "Police Actions, Related Questioning, Arrests, and Investigations at a NYC Department of Education School/Property"* and request that they remain at the scene pending arrival of other supervisor/police personnel, if required.
8. Prepare **SCHOOL SAFETY DIVISION CRIMINAL INCIDENT REPORT (PD 313-147)**.

***NOTE*** *The above form will be prepared in addition to any other Department reports/forms [**JUVENILE REPORT SYSTEM WORKSHEET (PD377-159A), COMPLAINT REPORT WORKSHEET (PD313-152A), ON-LINE BOOKING SYSTEM ARREST WORKSHEET (PD244-159), YOUTH REFERRAL (PD377-153), AIDED REPORT**, etc.,] that are relevant to the incident.*

9. Notify School Safety Division Operations Center and obtain the SSD Operations Center serial number.
10. Enter details of incident in **ACTIVITY LOG (PD112-145)** or digital **Activity Log**, as appropriate.
11. Sign **SCHOOL SAFETY DIVISION CRIMINAL INCIDENT REPORT**.

**SCHOOL SAFETY AGENT LEVEL III**

12. Ensure that **SCHOOL SAFETY DIVISION CRIMINAL INCIDENT REPORT** is properly prepared.
13. Sign the **SCHOOL SAFETY DIVISION CRIMINAL INCIDENT REPORT** and forward report to the School Safety Division Borough Command.

**SCHOOL SAFETY DIVISION BOROUGH COMMAND SUPERVISOR/ DESIGNEE**

14. Review the **SCHOOL SAFETY DIVISION CRIMINAL INCIDENT REPORT** for accuracy and completeness.
15. Contact the neighborhood coordination sergeant and/or other designated precinct personnel to determine the proper offense classification and to obtain any follow-up information.
16. Make two photocopies of the original **SCHOOL SAFETY DIVISION CRIMINAL INCIDENT REPORT** and distribute as follows:
    a. Original to School Safety Division Operations Center,
    b. One copy to the neighborhood coordination sergeant, precinct of occurrence, and
    c. One copy filed in the School Safety Division Borough Command.

**NEIGHBORHOOD COORDINATION SERGEANT**

17. Respond to public school-related criminal incidents of a serious nature and review action taken by School Safety Division and/or precinct personnel and determine if additional resources and notifications are required.
18. Ensure that the school principal/designee is notified.

**NEIGHBORHOOD COORDINATION SERGEANT (continued)**

19. Conduct additional interviews of students, complainants and witnesses, if necessary, in accordance with *P.G. 215-17, "Police Actions, Related Questioning, Arrests, and Investigations at a NYC Department of Education School/Property."*
20. Ensure that the **SCHOOL SAFETY DIVISION CRIMINAL INCIDENT REPORT** is properly completed.
21. Conduct a daily review of all police incidents, which may be public school-related to ascertain if a **SCHOOL SAFETY DIVISION CRIMINAL INCIDENT REPORT** was prepared.
22. Prepare a **SCHOOL SAFETY DIVISION CRIMINAL INCIDENT REPORT**, if required.
23. Make appropriate notifications, including the School Safety Division Operations Center to obtain the SSD Operations Center serial number.
    a. Distribute the report to the School Safety Division Borough Command.
24. Conduct a daily review of all **SCHOOL SAFETY DIVISION CRIMINAL INCIDENT REPORTS** prepared for public school-related criminal incidents occurring in assigned precinct to ensure that the appropriate Police Department procedures were followed and necessary forms were prepared.
25. Meet regularly with School Safety Agents and public school principals/designees to:
    a. Ascertain if they are aware of criminal incidents which have been reported to the Police Department.
    b. Ensure that the Police Department is aware of public school-related criminal incidents which have been reported to the Department of Education.
26. Provide copies of all **SCHOOL SAFETY DIVISION CRIMINAL INCIDENT REPORTS** to the precinct crime analyst and Patrol Borough Pattern Identification Module to assist in pattern identification and the development of strategies and tactics.
27. Insure that the Patrol Borough Liaison Captain is apprised of all incidents, especially those of a serious nature.

***ADDITIONAL DATA***

*The precinct desk officer will ensure that the neighborhood coordination sergeant is notified of any public school criminal-related incident:*

*a. Occurring during non-school hours (e.g., burglary of a school on a weekend), and*

*b. Occurring during school hours, where the school safety agent or neighborhood coordination sergeant may be unaware of the incident.*

*Uniformed members of the service will follow the provisions of P.G. 212-13, "Reporting Gang-Related Criminal Activity," regarding reporting requirements for possible gang related/motivated incidents or arrests of suspected or identified gang members.*

***RELATED PROCEDURES***

*Neighborhood Coordination Sergeant (P.G. 202-19c)*
*Truants (P.G. 215-07)*
*On-Line Juvenile Report System (P.G. 215-08)*
*Offense Committed by a Juvenile Under 18 Years of Age (Other than a Juvenile Offender or Adolescent Offender) (P.G. 215-09)*
*Arrest of Juvenile Offender or Adolescent Offender (P.G. 215-10)*
*Personal Recognizance Juvenile Delinquent (P.G. 215-12)*
*Handcuffing/Restraining Students Within School Facilities for Arrest or as an Emotionally Disturbed Person and Use of Alternative Restraints/Velcro Cuffs (P.G. 215-13)*
*Police Actions, Related Questioning, Arrests, and Investigations at a NYC Department of Education School/Property (P.G. 215-17)*
*Search Protocols For School Safety Agents (P.G. 215-18)*

***FORMS AND REPORTS***

***SCHOOL SAFETY DIVISION CRIMINAL INCIDENT REPORT (PD313-147)***
***JUVENILE REPORT SYSTEM WORKSHEET (PD377-159A)***
***COMPLAINT REPORT WORKSHEET (PD313-152A)***
***YOUTH REFERRAL (PD377-153)***
***AIDED REPORT***
***ON LINE BOOKING SYSTEM ARREST WORKSHEET (PD244-159)***

NYPD

| Section: Juvenile Matters | | Procedure No: 215-17 | |
|---|---|---|---|
| **POLICE ACTIONS, RELATED QUESTIONING, ARRESTS AND INVESTIGATIONS AT A NYC DEPARTMENT OF EDUCATION SCHOOL/PROPERTY** | | | |
| DATE ISSUED: 07/01/20 | DATE EFFECTIVE: 07/01/20 | REVISION NUMBER: | PAGE: 1 of 4 |

**PURPOSE** To establish protocols for police actions, related questioning, arrests and investigations at a NYC Department of Education school, or on NYC Department of Education property.

**PROCEDURE** When taking police action at a NYC Department of Education school, or on NYC Department of Education property:

**UNIFORMED MEMBER OF THE SERVICE**

1. Request response of patrol supervisor, or covering detective squad supervisor, as appropriate.
2. Notify School Safety Division Operations Unit prior to arrest, absent exigent circumstances, and include the following:
   a. Name and location of school where arrest is to be effected, and
   b. Name of suspect, and
   c. Charge being investigated, and
   d. Date incident occurred, and
   e. Date incident reported.
3. Make digital **Activity Log** entry of log number received from School Safety Division Operations Unit.
   a. Enter log number in all reports prepared in connection with taking police action at a NYC Department of Education school, or on NYC Department of Education property.
4. Comply with *P.G. 215-27, "School-Related Threats at a NYC Department of Education School/Property,"* as necessary.

***NOTE*** *Arrests of students for incidents that did not occur on NYC Department of Education property shall be effected off NYC Department of Education property when possible, practical, and in a manner that does not compromise the safety of the victim or other students, and is consistent with the policy and procedures set forth herein. The nature of the offense and the safety of the victim and other students are the primary considerations for effecting arrests for incidents that occur off NYC Department of Education property.*

5. Coordinate activities with School Safety Division personnel, if practicable, when taking police action on NYC Department of Education property.
6. Confer with principal/designee, except if exigent circumstances exist, when entering NYC Department of Education school or property to take police action.
   a. If prior consultation is not possible, members of the service shall notify the principal/designee, as soon as practicable, after issuing a summons, or effecting an arrest on school property.
7. Comply with *P.G. 215-13, "Handcuffing/Restraining Students Within School Facilities for Arrest or as an Emotionally Disturbed Person and Use of Alternative Restraints/Velcro Cuffs,"* as required.
8. Effect arrest at NYC Department of Education school, or on NYC Department of Education property for the following offenses, even if committed off of NYC Department of Education property:

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

a. Any felony in the Penal Law except for Criminal Mischief, Criminal Possession of Stolen Property, Criminal Possession of a Forged Instrument, Grand Larceny of unattended property
b. All sex offenses
c. Menacing 2nd Degree or Menacing 3rd Degree, ONLY when allegedly displaying what appears to be a pistol, revolver, rifle, shotgun, machine gun, or other firearm
d. Any crime when complainant/victim and perpetrator attend school and/or work in same building/site/campus
e. Court ordered warrant
f. Any crime and there is an immediate risk of escape, based upon a history of perpetrator fleeing apprehension, resisting arrest, assaulting police/peace officers, previous escapes or attempted escapes from police or Administration for Children's Services (ACS) custody
g. Any crime and apprehension of perpetrator is effected during a hot pursuit
h. Any crime where initial preparation of **COMPLAINT REPORT (PD313-152)** and preliminary investigation by reporting officer are both conducted on school grounds, and perpetrator is present on school grounds.

9. Notify patrol supervisor, or covering detective squad supervisor, as appropriate, if arrest for any crime/incident not listed in step "8" above, that occurred off of NYC Department of Education property, should be effected on NYC Department of Education property.

**PATROL SUPERVISOR/ DETECTIVE SQUAD SUPERVISOR**

10. Notify commanding officer, executive officer, or duty captain, as appropriate, if arrest for any crime/incident not listed in step "8" above, that occurred off NYC Department of Education property, should be effected on NYC Department of Education property.
a. Direct arrest not be effected on NYC Department of Education property, if warranted, and after conferral with commanding officer, executive officer, or duty captain, as appropriate.

**COMMANDING OFFICER/ EXECUTIVE OFFICER/ DUTY CAPTAIN**

11. Confer with Commanding Officer, or Executive Officer, or Assistant Commissioner of School Safety Division, and render decision to effect arrest.
a. Inform patrol supervisor, or covering detective squad supervisor, of decision.

**PATROL SUPERVISOR/ DETECTIVE SQUAD SUPERVISOR**

12. Make follow-up notification to School Safety Division Operations Unit, including any pertinent information of police action taken (i.e., any arrests made, **COMPLAINT REPORT** number(s), if prepared, etc.).

***ADDITIONAL DATA***

*LEGAL CONSIDERATIONS*

*When a uniformed member of the service wishes to investigate a school-related crime, the principal/designee must permit the interviewing of school staff, or other non-student witnesses/victims. These individuals, however, may not be compelled to submit to such questioning.*

*When a uniformed member of the service wishes to question a student in school regarding a school-related crime, the principal/designee will make every reasonable effort to contact the student's parent/guardian. If notification is made, the principal/designee, or member of the service, shall consult with the parent/guardian about how the parent/guardian wishes to proceed. If the parent/guardian does not object, the principal/designee must allow the student to be questioned. If the parent/guardian cannot be reached, the principal/designee must permit the uniformed member of the service to question the student under the following circumstances:*

*a. If the parent/guardian of a student who is suspected of committing a crime cannot be reached, the uniformed member of the service may not question the student unless the member feels there is a continued threat of imminent danger. In such cases, the member of the service shall determine whether or not to proceed with questioning the student and will consult with principal/designee, as appropriate.*

*b. If a parent/guardian of a student who is not a suspect (i.e., victim or witness) cannot be reached, a uniformed member of the service may not question the student unless there are exigent circumstances warranting proceeding with the questioning. In such cases, the member of the service shall determine whether or not to proceed with questioning the student and will consult with principal/designee, as appropriate.*

*c. In cases where questioning is conducted without parental notification, the principal or designee may be present during the questioning. The principal or designee, however, may not compel a student to submit to questioning.*

*Imminent danger or exigent circumstances may include, but are not limited to, an active investigation of a violent crime including homicide, arson, robbery, sex offenses, weapons possession, or assault where there are reasonable grounds to believe that a current or former student is a suspect, or has information concerning the investigation, that is necessary to protect the health or safety of students or others.*

*Where it is clear that a student is a suspect in a crime, and such questioning may elicit incriminating statements, Miranda warnings must be issued. If the student is sixteen years old or younger,* ***MIRANDA WARNINGS FOR JUVENILE INTERROGATIONS (PD244-1413)*** *should be read while the principal/designee or parent/guardian is present. Questioning should be done in a manner which is least disruptive to the school and the student's education to the maximum extent possible, consistent with personal safety.*

*When a uniformed member of the service wishes to access student information from NYC Department of Education records for the purposes of an investigation or arrest, a uniformed member of the service must obtain a court order or subpoena, unless there is a health or safety emergency, or written consent of the student's parent/guardian, or written consent of the student, if eighteen years of age or older. Absent such court order or subpoena, or exceptions above, principals or other school staff will not release student information. This includes NYPD school safety agents.*

*A health or safety emergency is a situation that presents imminent danger (as described above) or requires the immediate need for information to avert or defuse unusual conditions or disruptions.*

***RELATED PROCEDURES***

*Neighborhood Coordination Sergeant (P.G. 202-19c)*
*Arrests - General Processing (P.G. 208-03)*
*Prisoners General Procedure (P.G. 210-01)*
*Truants (P.G. 215-07)*
*On-Line Juvenile Report System (P.G. 215-08)*
*Offense Committed by a Juvenile Under 18 Years of Age (Other than a Juvenile Offender or Adolescent Offender) (P.G. 215-09)*
*Arrest of Juvenile Offender or Adolescent Offender (P.G. 215-10)*
*Personal Recognizance Juvenile Delinquent (P.G. 215-12)*
*Handcuffing/Restraining Students Within School Facilities for Arrest or as an Emotionally Disturbed Person and Use of Alternative Restraints/Velcro Cuffs (P.G. 215-13)*
*School-Related Threats at a NYC Department of Education School/Property (P.G. 215-27)*

***FORMS AND REPORTS***

***COMPLAINT REPORT (PD313-152)***
***MIRANDA WARNINGS FOR JUVENILE INTERROGATIONS (PD244-1413)***

NYPD

**PURPOSE** To establish the protocols for the search of students, their possessions, and their lockers by School Safety Division personnel.

**SCOPE** A student's possessions and person may be searched by a school safety agent provided that school officials have reasonable suspicion to believe that the search will turn up evidence that the student has violated or is violating either the law or school rules and regulations. The extent or the scope of the search must be reasonably related to the objective of the search and not excessively intrusive in light of the age and sex of the student and the nature of the infraction.

**PROCEDURE** When conducting searches of students, their possessions, or their lockers:

SEARCH OF STUDENTS AND THEIR POSSESSIONS (BAGS, CLOTHING, ETC.)

**SCHOOL SAFETY AGENT**

1. Conduct searches of students and their belongings only on behalf of principals or their designee, except if an emergency condition exists. (See ADDITIONAL DATA statement under heading, "EMERGENCY SEARCHES OF STUDENTS AND THEIR POSSESSIONS").
2. Bring the student to a location designated by the principal or designee, if it is determined that a search is warranted.
3. Inform the student that there are reasonable grounds to believe that they have violated or are violating the law or school rules and regulations.

**SCHOOL PRINCIPAL/ DESIGNEE**

4. Question the student as to whether he/she has anything in their possession **not** permitted in school, prior to conducting the search. If the student acknowledges that he/she is in possession of contraband, ask the student to remove it from their person or belongings.

**SCHOOL SAFETY AGENT**

5. Remove the item, which is believed to be evidence of the student violating a law or school rules and regulations, if student refuses to remove same when asked by principal/designee.

SEARCH OF LOCKERS

**SCHOOL SAFETY AGENT**

6. Inform the principal or designee when there is reasonable suspicion that a student's locker contains contraband.
7. Search locker, only at the direction of principal or designee, except if an emergency condition exists. The principal or designee must be present while the search of the locker is conducted. (See ADDITIONAL DATA statement under heading, "EMERGENCY SEARCHES OF LOCKERS").

WHEN A STUDENT IS FOUND TO BE IN POSSESSION OF CONTRABAND

**SCHOOL SAFETY AGENT**

8. Notify the command concerned, if item is a violation of law, and follow appropriate procedure for the invoicing of property and arrest of student(s).
9. In non-arrest circumstances, request precinct personnel to respond to take custody of the contraband and invoice items seized.
10. Take control of and invoice the property under Department of Education procedures, if item is a violation of school rules and regulations **only**.

***ADDITIONAL DATA***

*LEGAL CONSIDERATIONS*

*Nothing in this procedure supersedes the rights and responsibilities of uniformed members of the service regarding search and seizure under applicable provisions of the Criminal Procedure Law.*

*SEARCH GUIDELINES*

*If the student declines to remove the item or denies possession of any contraband, a search may be conducted at the direction of the principal/designee. To the maximum extent possible, if the search involves contact with the student, the search shall be conducted by a school safety agent of the same gender as the student being searched. In situations where a student's gender is not immediately apparent or a student objects to the gender of the school safety agent assigned to perform the search, the school safety agent's supervisor will assign a school safety agent of the gender requested by the student, consistent with school safety agent safety and resource availability. Consistent with the privacy concerns of the student, only those school safety agents reasonably necessary to conduct the search should be present for the search. Under no circumstances shall school safety agents conduct searches for the purpose of determining gender. Additionally, school safety agents shall not ask questions about a student's anatomy without a reasonable basis for doing so. Refer to P.G. 203-10, "Public Contact – Prohibited Conduct."*

*Under no circumstances will a strip-search of a student be conducted.*

*EMERGENCY SEARCHES OF STUDENTS AND THEIR POSSESSIONS*

*An emergency condition is an incident that requires immediate intervention to protect the safety and security of the school community or any person. A search may be conducted if there is reasonable suspicion to believe that a student has violated or is violating the law or school rules and procedures. Once the emergency condition is under control, the school safety agent will immediately take the student to the principal or designee and advise the principal/designee of the situation.*

*EMERGENCY SEARCHES OF LOCKERS*

*An emergency condition is one that requires immediate intervention to protect the safety and security of the school community or any person. Once the situation is under control, the principal or designee will be immediately advised of the situation.*

***ADDITIONAL DATA (continued)***

*OPERATIONAL CONSIDERATIONS*

*In those circumstances when the request to search the property of a person is due to an established security perimeter or security checkpoint (e.g., transit bag checks, large scale events, school security, etc.), uniformed members of the service are not required to make such request in a prescribed manner or to provide a* ***RIGHT TO KNOW BUSINESS CARD (PD142-012)****, or* ***RIGHT TO KNOW BUSINESS CARD – GENERAL (PD142-013)****, unless requested.*

***RELATED PROCEDURES***

*Procedures for Reporting and Recording Public School-Related Criminal Incidents (P.G. 215-16)*
*Police Actions, Related Questioning, Arrests, and Investigations at a NYC Department of Education School/Property (P.G. 215-17)*

***FORMS AND REPORTS***

***RIGHT TO KNOW BUSINESS CARD (PD142-012)***
***RIGHT TO KNOW BUSINESS CARD – GENERAL (PD142-013)***
***PROPERTY CLERK INVOICE (PD521-141)***

NYPD

**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 <u>and</u>
   b. Mother if present.
3. Accompany child/mother to the hospital.
4. Request response of the patrol supervisor.
5. Make digital **Activity Log** entry, indicating:
   a. Physical condition of child.
   b. Child's age and medical history, if ascertained.
   c. Description of child's clothing and/or wrapping.
   d. Presence or absence of a hospital tag.
   e. Mother's pedigree information, address, and telephone number.
   f. Request for patrol supervisor.

WHEN INFANT'S PARENT(S) IS NOT PRESENT AT THE SCENE

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

6. Attempt to ascertain from the person on the scene who physically is in possession of the infant:
   a. Their name, address, telephone number and relationship to the parent(s).
   b. The identity, description, location, and telephone number of the infant's parent(s)

***NOTE*** *Advise person that they are not required to give this information (steps 6a. and 6b).*

7. Enter information, if obtained, in digital **Activity Log**.

**PATROL SUPERVISOR**

8. Respond to scene.
9. Determine if probable cause exists to make an arrest (i.e. criteria as set forth in the Abandoned Infant Protection Act are not present, or other offenses committed.)

***NOTE*** *If probable cause to arrest the person responsible for the infant does not exist, and/or person is otherwise in compliance with the criteria set forth in the Abandoned Infant Protection Act, the person will be permitted to leave.*

10. Direct the preparation of the following Department forms:
    a. **New York State Domestic Incident Report (DCJS-3221**)
    b. **AIDED REPORT**
    c. **COMPLAINT REPORT (PD 313-152)** (Classify as Investigate Aided, or other charges as appropriate)
    d. **REPORT OF SUSPECTED CHILD ABUSE OR MALTREATMENT (PD377-154)**.
11. Direct notification to be made to the New York State Central Registry.
12. Prepare **UNUSUAL OCCURRENCE REPORT (PD 370-152)**.
13. Notify Desk Officer.

**DESK OFFICER**

14. Immediately notify the precinct detective squad. (If necessary the precinct detective squad will notify the Missing Persons Squad.)
15. Notify Operations and the patrol borough command.
16. Make Command Log entry of items in step 5, subdivisions "a" through "f", listed above.
17. Notify Administration for Children's Services (ACS) Instant Response Team Coordinator. (Enter name of Administration for Children's Services Instant Response Team Coordinator in the Command Log.)

| | |
|---|---|
| ***RELATED PROCEDURES*** | *Children or Minors Requiring Care and/or Shelter (P.G. 215-01)*<br>*Emergency Removals or Investigation and Reporting of Abused, Neglected or Maltreated Children (P.G. 215-03)*<br>*Child Advocacy Referrals in the Boroughs of Brooklyn, Queens and Manhattan (P.G. 215-14)*<br>*Aided Cases-General Procedure (P.G. 216-01)* |
| ***FORMS AND REPORTS*** | ***AIDED REPORT***<br>***COMPLAINT REPORT (PD313-152)***<br>***REPORT OF SUSPECTED CHILD ABUSE OR MALTREATMENT (PD377-154)***<br>***UNUSUAL OCCURRENCE REPORT (PD370-152)***<br>***New York State Domestic Incident Report (DCJS-3221)*** |

NYPD

| Section: Juvenile Matters | | Procedure No: 215-20 | |
|---|---|---|---|
| **REQUESTS FOR INFORMATION FROM THE DEPARTMENT OF EDUCATION IN ACCORDANCE WITH THE FEDERAL NO CHILD LEFT BEHIND ACT** | | | |
| DATE ISSUED: 07/01/20 | DATE EFFECTIVE: 07/01/20 | REVISION NUMBER: | PAGE: 1 of 3 |

**PURPOSE** To assist the New York City Department of Education in determining whether a student is entitled to a "safety transfer" pursuant to the provisions of the federal "No Child Left Behind Act" by confirming whether the student has reported a qualifying incident to the Department.

**DEFINITION** QUALIFYING INCIDENT - For the purpose of this procedure, a "qualifying incident" is any founded allegation of a crime reported to the Department by a victim who is a New York City public school student and:

a. Names New York City Public School property as the location of occurrence, **AND**
b. Involves infliction of a serious physical injury upon the victim as defined in Penal Law § 10.00 (10); **OR**
c. Is a sex offense involving forcible compulsion; **OR**
d. Is any offense defined in the Penal Law that involves the use or threatened use of a deadly weapon against the victim as defined in Penal Law § 10.00 (12).

**PROCEDURE** When the Department receives a verbal, faxed or written request to confirm that a qualifying incident has occurred at a New York City Public School from that school's principal or his/her authorized designee:

**MEMBER OF THE SERVICE RECEIVING THE REQUEST**

1. Hand-deliver or personally relate the request to the Neighborhood coordination sergeant of the precinct concerned.
   a. If the Neighborhood coordination sergeant is not available, hand-deliver or personally relate the request to the precinct commander concerned or his/her specified designee, who will perform the duties of the Neighborhood coordination sergeant for this procedure.

**NEIGHBORHOOD COORDINATION SERGEANT**

2. Confirm that the request was initiated by either the principal of the school where the incident is alleged to have occurred, or that principal's authorized designee.
3. Confirm that the request provides the following:
   a. The name and number of the school
   b. The date, time and location of the alleged incident(s)
   c. The name(s) of the victim(s)

***NOTE*** *If the request does not meet the requirements specified in steps (2) and (3), contact the principal/designee in order to obtain the required information or to verify the source of the request.*

**NEIGHBORHOOD COORDINATION SERGEANT (continued)**

4. Given the proper information for an authorized request:
   a. Consult Department resources in the following order for the date specified in the request for reports naming the victim(s):
      (1) The OMNIFORM System, or hard copies of **COMPLAINT REPORT WORKSHEETS (PD313-152A)**, as appropriate.
      (2) The **ON-LINE JUVENILE REPORT SYSTEM** database or hard copies of **JUVENILE REPORT SYSTEM WORKSHEETS (PD377-159A)**, as appropriate.
      (3) **SCHOOL SAFETY DIVISION CRIMINAL INCIDENT REPORTS (PD313-147)**.
      (4) **AIDED REPORT**.
      (5) Precinct Detective Squad.
      (6) School Safety Division Operations Center.

**YOUTH OFFICER**

5. Assist in the search of Department records when directed by the Neighborhood coordination sergeant.

**NEIGHBORHOOD COORDINATION SERGEANT**

6. Ascertain from report(s) and question assigned detective, if necessary, if incident has been classified as unfounded.
7. Upon conclusion of the records search, prepare a report in duplicate, on **OFFICIAL LETTERHEAD (PD158-151)**, addressed to the individual making the request.
   a. Adhere to the sample format provided in the *ADDITIONAL DATA* statement of this procedure.
8. Deliver the original either by hand or by mail to the principal or designee.
9. Notify the principal or designee verbally either in person or by telephone of the results of the search, no later than the next day that school is in session after the initial request was made. Limit contents of the verbal notification to the information specified in report prepared in Step 7.
10. Record both the personal and mail notifications in digital **Activity Log**. Include:
    a. The time of the verbal notification.
    b. The title and name of the person notified.
    c. Whether the written report was hand-delivered or mailed to the recipient.
    d. Whether the incident was a qualifying incident or not and whether it was classified as founded or unfounded.
11. Maintain duplicate copies of reports in a secure location for future reference if necessary.

***ADDITIONAL DATA***

*The Department must balance the need of the Department of Education to comply with the federal regulations against the privacy rights of the complainant. For this reason, members of the service who process these requests must do so in a thorough and timely manner, but report the results in a way that only relates the facts necessary for school administrators to determine if a qualifying incident has in fact occurred. The sample below provides the format best suited to this end. In the interest of efficiency, commands may utilize a pre-printed letter on* ***OFFICIAL LETTERHEAD*** *to prepare the report. Should the principal or designee request information beyond whether a qualifying incident has been reported, such as the alleged details of an incident or the progress of an investigation, the member will confer with both the detective assigned and the Deputy Commissioner, Legal Matters.*

*All reports will be formatted with proper date, salutation and signature block in accordance with Department procedure for preparing correspondence. The body of the text will be prepared as such:*

***SAMPLE***

*A search of Department records indicates that a report has/has not* ***[specify one]*** *been filed naming* ***[name specified in request]*** *as a complainant in an incident.*

*This incident was/was not* ***[specify one]*** *alleged to have occurred on New York City Public School Property, and did/did not* ***[specify one]*** *allege the infliction of a serious physical injury upon the victim as defined in Penal Law § 10.00 (10), or a sex offense against the victim involving forcible compulsion, or any offense defined in the Penal Law that involves the use or threatened use of a deadly weapon against the victim as defined in Penal Law § 10.00 (12).*

*At the time that this search was conducted, this incident was/was not* ***[specify one]*** *classified as unfounded.*

***RELATED PROCEDURES***

*Information Concerning Official Business of Department (P.G. 212-76)*
*Reporting and Recording Public School-Related Criminal Incidents (P.G. 215-16)*
*Police Actions, Related Questioning, Arrests, and Investigations at a NYC Department of Education School/Property (P.G. 215-17)*

***FORMS AND REPORTS***

***AIDED REPORT***
***COMPLAINT REPORT WORKSHEET (PD313-152A)***
***JUVENILE REPORT SYSTEM WORKSHEET (PD377-159A)***
***OFFICIAL LETTERHEAD (PD158-151)***
***SCHOOL SAFETY DIVISION CRIMINAL INCIDENT REPORT (PD313-147)***

**PURPOSE** To provide juvenile arrest processing and investigative support to members of the service.

**PROCEDURE** When a juvenile is detained by a member of service and removed to a police facility:

**ARRESTING OFFICER**

1. Remove juvenile to the precinct of arrest/designated arrest processing facility and inform desk officer of circumstances.
   a. Juvenile delinquents/juvenile offenders will be taken to the location in the stationhouse SPECIFICALLY DESIGNATED as suitable for the interrogation of juveniles.
   b. A list of locations approved for the interrogation of juveniles is maintained in the Command Reference Library and at the Juvenile Desk.
2. Notify parent/guardian immediately and,
   a. Document notification in digital **Activity Log** including parent/guardian's pedigree information, address and date of birth.
   b. Have juvenile's pedigree information determined by questioning juvenile and/or their parent/guardian.
   c. Verify pedigree information by satisfactory documentary proof, if available.

**DESK OFFICER**

3. Document the notification to the parent/guardian in Command Log and include parent/guardian pedigree information, address and date of birth.
4. Determine the appropriate charges, including law, section, degree, and subdivision (i.e., Penal Law 120.10 [1], for Assault in the 1st Degree, Subdivision One or Penal Law 160.10 [3], for Robbery in the 2nd Degree, Subdivision Three, etc.).

**ARRESTING OFFICER**

5. Contact the Juvenile Desk after juvenile is removed to command of detention.

***NOTE*** *The Juvenile Desk will provide arresting officers and supervisors with support twenty-four hours/seven days a week. Arresting officers must call the Juvenile Desk before beginning the arrest process to ensure that any intelligence regarding the juvenile is obtained before the decision whether to release the juvenile to a parent/guardian/adult relative is made. The Juvenile Desk has specialized databases that can provide vital background information on arrested/detained juveniles and those adults taking custody of a juvenile upon recognizance or release.*

6. Provide Juvenile Desk analyst with the following information:
   a. Juvenile's last name, first name, date of birth, and home address;
   b. Parent or guardian's last name, first name, date of birth, and home address;
   c. Whether parent/guardian notification was successful;
   d. Top charge by law, numeric section, numeric subdivision, name and degree (i.e., Penal Law 120.10 [1], for Assault in the 1st Degree, Subdivision One or Penal Law 160.10 [3], for Robbery in the 2nd Degree, Subdivision Three, etc.).

**JUVENILE DESK ANALYST**

7. Perform relevant computer checks of the juvenile and the parent/guardian, and advise arresting officer of results.
8. Provide arrest processing support.
9. Make recommendation to remand juvenile or release on recognizance, as appropriate (see *ADDITIONAL DATA*).
10. Provide arresting officer with Family Court return date, if required.

**ARRESTING OFFICER**

11. Obtain information regarding juvenile's history from the Juvenile Desk analyst.
12. Be guided by responses from Juvenile Desk analyst.
13. Document results of conferral with analyst in digital **Activity Log**.
14. Comply with applicable arrest processing procedures.
15. Telephone Juvenile Desk, as soon as possible, for changes to the following:
    a. Any change in the charge(s) that will amend the status of the juvenile (i.e., upgrade in charge(s) or additional charges, Assistant District Attorney declines to prosecute juvenile in criminal court, etc.)
    b. Inability to make a parental notification or the inability to release the juvenile to a responsible parent/legal guardian/adult relative
    c. Any changes that would amend the Juvenile Desk's previous recommendation (i.e., investigation reveals that juvenile misrepresented his/her actual age or identity, etc.).

**JUVENILE DESK ANALYST**

16. Notify the Juvenile Crime Squad for the following offenses:
    a. Any felony
    b. Criminal Possession of Weapon (firearm only)
    c. Reckless Endangerment
    d. Arson.
17. Notify the appropriate investigative unit (i.e., Precinct Detective Squad/Nightwatch for felonies, Burglary/Robbery Apprehension Module (BRAM) for robberies and burglaries, and the respective Special Victims Squad/Child Abuse Squad for serious sex crimes).
18. Notify the Corporation Counsel for the following offenses:
    a. Any Homicide, including attempts (request that a Corporation Counsel representative respond)
    b. Rape 1st Degree (request that a Corporation Counsel representative respond)
    c. Any First Degree Sexual Offense
    d. Assault 1st Degree
    e. Robbery 1st Degree
    f. Any Firearm-Related Offense.
19. Make any other necessary notification on the behalf of arresting officer (i.e., Special Victims Squad for sex offenses with minors, etc.) with the exception of the notification to juvenile's parent/guardian.
20. Provide officer with Juvenile Desk – Intake Log number, if appropriate.

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**ARRESTING OFFICER**

21. Document the Juvenile Desk – Intake Log number in the "Narrative" section of the **JUVENILE REPORT SYSTEM WORKSHEET (PD377-159A)**, or in the "Details" section of the **COMPLAINT REPORT WORKSHEET (PD313-152A)**, and the "Narrative" section of the **ON-LINE BOOKING SYSTEM ARREST WORKSHEET (PD244-159)**.

***ADDITIONAL DATA***

*Juvenile Desk personnel will make a recommendation whether to remand or release on recognizance a juvenile based on several factors including the age of the juvenile, the offense charged, the information provided by the arresting officer, and the results of comprehensive background checks of the juvenile and their parent(s). The ultimate decision making authority, however, remains with the supervisor at the detention command. This provides the flexibility to respond to information or circumstances known only to supervisors at the field command. However, the discretion to depart from the recommendations of the Juvenile Desk should be founded on the rationale that the Department will act on the principle of "what is best for the child" balanced by appropriate measures to discourage future criminal behavior. Examples of considerations that should not impact discretion are the availability of vehicles for transport or shortage of personnel. In cases where conditions in the field necessitate a departure from the Juvenile Desk recommendation, the desk officer must confer with a Juvenile Desk supervisor. If after conferral with the Juvenile Desk supervisor, the desk officer's decision is to not follow the recommendation of the Juvenile Desk, the commanding officer of the command of detention, will prepare a report, on* ***Typed Letterhead****, to the Real Time Crime Center explaining the reason for the non-compliance.*

*School safety agents who detain and remove a juvenile to a police facility for arrest processing or for the issuance of a* ***JUVENILE REPORT SYSTEM WORKSHEET*** *and* ***COMPLAINT REPORT WORKSHEET****, as per P.G. 215-08, "On-Line Juvenile Report System," are also required to comply with the above procedure. When school safety agents have removed a juvenile to a police facility for processing, they will notify the School Safety Division (SSD) Operations Center prior to calling the Juvenile Desk. The SSD Operations Center member will issue the agent a SSD Operations Center serial number for entry on a* ***SCHOOL SAFETY DIVISION CRIMINAL INCIDENT REPORT (PD313-147)****, if appropriate. When the detention of a juvenile takes place within school grounds, the SSD Operations Center will contact the Juvenile Desk on behalf of the arresting agent, if necessary. This process will ensure that the SSD Operations Center remains aware of all enforcement activity occurring in and around New York City public schools.*

*It is not the function of the Juvenile Desk to collect or disseminate statistical data on juveniles and juvenile incidents.*

***RELATED PROCEDURES***

*On-Line Juvenile Report System (P.G. 215-08)*
*Offense Committed by a Juvenile Under 18 Years of Age (Other than a Juvenile Offender or Adolescent Offender) (P.G. 215-09)*
*Arrest of Juvenile Offender or Adolescent Offender (P.G. 215-10)*

***FORMS AND REPORTS***

***JUVENILE REPORT SYSTEM WORKSHEET (PD377-159A)***
***COMPLAINT REPORT WORKSHEET (PD313-152A)***
***ON-LINE BOOKING SYSTEM ARREST WORKSHEET (PD244-159)***
***SCHOOL SAFETY DIVISION CRIMINAL INCIDENT REPORT (PD313-147)***

| Section: Juvenile Matters | Procedure No: 215-22 |
|---|---|

# REQUESTS FOR ASSISTANCE FROM THE ADMINISTRATION FOR CHILDREN'S SERVICES (ACS) CHILD PROTECTION SPECIALISTS IN RELATION TO AN OFFICIAL ACS INVESTIGATION

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

**PURPOSE** To ensure the safety of all persons present when responding to requests for assistance by Administration for Children's Services (ACS) Child Protection Specialists.

**SCOPE** Police officers may be requested to assist Administration for Children's Services Child Protection Specialists when:

1. Executing an Order of Entry endorsed by a Family Court judge;
2. Executing a Child Removal Order or warrant endorsed by a Family Court judge;
3. Conducting an emergency removal pursuant to *Section 1024 Family Court Act*.
4. The ACS Child Protection Specialist is concerned for his/her personal safety due to suspicion that guns, drugs, or prior or threatened acts of violence against ACS Child Protection Specialists exist.

ACS Child Protection Specialist (CPS) may only request assistance in these matters when a complaint has been lodged with the State Central Registry.

When requesting patrol assistance, ACS Child Protection Specialists are required to provide the reason for the request and a contact cellular telephone number to make outreach easier.

**PROCEDURE** Upon being dispatched to assist an ACS Child Protection Specialist:

**UNIFORMED MEMBER OF THE SERVICE**

1. Respond to the scene.
   a. Give dispatcher 10-84 code upon arrival.
   b. Locate the Administration for Children's Services employee.

***NOTE*** *ACS Child Protection Specialists carry cellular telephones issued by their agency. Therefore, police officers may request that the communications section contact the caller to obtain the Child Protection Specialist's exact location.*

2. Confer with ACS Child Protection Specialist at the scene who requested assistance.
   a. Determine specific reason for request for police response.
   b. Obtain copy of Removal/Entry Order(s) or warrant, if that is purpose of request for assistance.

***NOTE*** *In an emergency removal situation the ACS - Child Protection Specialists may not have a warrant or Removal Order.*

3. Request patrol supervisor, if not already present.

**PATROL SUPERVISOR**

4. Respond and confer with uniformed members of the service and ACS Child Protection Specialist.
5. Determine if precinct detective, borough Special Victims or Child Abuse squads have an open case regarding this family, if possible.
6. Review Entry/Removal order(s) from ACS, if applicable.
   a. Confer with Legal Bureau if question as to validity of the order exists. Be guided by response from Legal Bureau personnel.
7. Determine if additional Department resources are needed.

**UNIFORMED MEMBER OF THE SERVICE**

8. Ensure the safety of all persons present.
9. Aid in carrying out Entry/Removal order(s), if applicable.
10. Follow *P.G. 215-03, "Emergency Removals or Investigation and Reporting of Abused, Neglected, or Maltreated Children,"* if arrest is required for child abuse or neglect.
11. Follow appropriate complaint or arrest procedure for other cases involving criminal activities, if appropriate.
12. Make an entry in digital **Activity Log** including:
    a. ACS Child Protection Specialist's name.
    b. Specific purpose of the request for assistance (see SCOPE statement 1 through 4).
    c. ACS case number. (Also known as "State Connections" ID #).

**PATROL SUPERVISOR**

13. Take appropriate action.

***ADDITIONAL DATA***

*When an ACS Child Protection Specialist appears at a police facility and requests assistance as outlined in this procedure, the desk officer will ensure that the communications section is notified in a timely manner and a 10-68A code is dispatched. The desk officer will direct the Child Protection Specialist to the scene to await patrol response.*

*A new radio code (10-68A) has been created for "Request for Assistance to ACS Child Protection Specialists."*

*Nothing is to preclude a police officer from taking police action if evidence of criminal activity exists.*

***RELATED PROCEDURES***

*Emergency Removals or Investigation and Reporting of Abused, Neglected, or Maltreated Children (P.G. 215-03)*
*Family Court Warrant for Child Abuse/ Neglect Cases (P.G. 215-04)*
*Preliminary Investigation of Complaints (Other Than Vice Related or Narcotics Complaints) (P.G. 207-07)*

| Section: Juvenile Matters | | Procedure No: 215-23 | |
|---|---|---|---|
| **COURT PROCESSING OF ARRESTS OF JUVENILE DELINQUENTS ON WEEKENDS AND COURT HOLIDAYS** | | | |
| DATE ISSUED: 09/30/19 | DATE EFFECTIVE: 10/01/19 | REVISION NUMBER: | PAGE: 1 of 4 |

**PURPOSE** To provide for the appearance of arresting officers at the weekend Department of Probation intake location, at the Corporation Counsel office, when a juvenile delinquent has been taken into custody, delivered to the appropriate facility designated by the Administration for Children's Services (ACS), and the respective borough Family Court will not be in session due to the weekend or court holiday

**DEFINITIONS** BOROUGH FAMILY COURT- A location in the borough of arrest where juvenile delinquents are routinely brought to be arraigned during non-holiday weekdays.

WEEKEND/HOLIDAY COURT PROCESSING – When a juvenile delinquent is taken into custody and does not qualify for personal recognizance and the borough Family Court will not be in session the next calendar day due to the weekend or holiday, the arresting officer will appear at Manhattan Criminal Court to process the arrest.

MANHATTAN CRIMINAL COURT – All weekend/holiday juvenile delinquent court processing will take place at Manhattan Criminal Court. The Manhattan Criminal Court is located at 100 Centre Street.

**PROCEDURE** When a juvenile delinquent has been taken into custody and does not qualify for personal recognizance and the borough Family Court will not be in session the next calendar day due to the weekend or court holiday:

**DESK OFFICER**

1. Notify the Real Time Crime Center Juvenile Desk when juvenile is detained and removed to a police facility.
2. Provide detained juvenile's pedigree, primary charge and any other information the juvenile crime desk analyst requests.
3. Ensure multiple arrests resulting from one incident, which will be arraigned in Family Court and Criminal Court, are separated and assigned to two different arresting/assigned officers.
   a. Be guided by *P.G. 208-20, "Turnover Arrests"* when re-assigning an arrest.
   b. Ensure assigned officer is given arrest(s) which will be arraigned in Criminal Court.

***NOTE*** *Due to the challenges that may occur when processing prisoners in two different courts (Family and Criminal Court), it is mandated that an arrest involving an adult/juvenile offender/adolescent offender and juvenile delinquent be separated and assigned to different officers (e.g., juvenile delinquent processed in Family Court; adult prisoner/juvenile offender/adolescent offender processed in Criminal Court). The assigned officer given the arrest(s) that will be arraigned in Criminal Court must re-interview the complainant/witness in order to prevent double "hearsay."*

**JUVENILE DESK ANALYST**

4. Perform required information inquires.
5. Inform desk officer of recommendation to either deliver juvenile into the custody of the Department of Juvenile Justice or release juvenile delinquent on personal recognizance.
6. Ascertain whether juvenile will be lodged at the appropriate facility designated by the Administration for Children's Services (ACS), prior to 0600 hours.
   a. If juvenile is lodged prior to 0600 hours, the arresting officer will be required to appear that same day at Manhattan Criminal Court to complete the arrest process (only if that day is a Saturday, Sunday or official court holiday).
   b. If juvenile is lodged after 0600 hours, the arresting officer will be required to appear the following day at Manhattan Criminal Court to complete the arrest process (only if that day is a Saturday, Sunday, or official court holiday).
7. Inform desk officer of arresting officer's mandatory appearance for a Weekend/Holiday Pre-Petition Detention Hearing at Manhattan Criminal Court, pursuant to step "6 a or b."

**DESK OFFICER**

8. Have juvenile NOT eligible for personal recognizance or for whom NO application for personal recognizance was made delivered to the appropriate facility designated by the Administration for Children's Services (ACS).
9. Have officer delivering juvenile to the appropriate facility designated by the Administration for Children's Services (ACS) provide Department of Juvenile Justice intake personnel with one copy of **ON LINE BOOKING SYSTEM ARREST WORKSHEET (PD244-159)**, **COMPLAINT REPORT (PD313-152)**, if prepared, and **JUVENILE ARREST INVESTIGATION/ PROBATION INTAKE REPORT (PD277-151)**.
10. Direct arresting officer to appear at 100 Centre Street, Room 132, at 0900 hours the following weekend or court holiday morning.
11. Ensure that parent/legal guardian of juvenile delinquent and complainant(s)/ victim(s) in the case are notified and informed of the time and location to be present at Manhattan Criminal Court for the juvenile delinquent's court arraignment.

**ARRESTING OFFICER**

12. Report to Manhattan Criminal Court, 100 Centre Street, at 0900 hours the next calendar day, if the borough Family Court will not be in session due to weekend and/or court holiday in order to begin juvenile arraignment process.
13. Bring two copies of arrest paperwork for each juvenile delinquent taken into custody and delivered to the appropriate facility designated by the Administration for Children's Services (ACS).
14. Sign-in at the Manhattan Court Section desk in Room 132 and be guided by court section supervisor.

**ARRESTING OFFICER (continued)**

15. Report to the 14th floor for conferral with representatives from the Department of Probation and Corporation Counsel, for preparation of Family Court complaint and possible testimony at a pre-petition detention hearing.
    a. Provide both the probation officer and the Assistant Corporation Counsel handling the case with one copy of arrest paperwork each.
16. Upon being excused by Corporation Counsel following arraignment, report to Room 132 to sign-out.
17. Inform court section supervisor and desk officer of command, if notified by judge or Corporation Counsel, to appear for subsequent hearings.

**DESK OFFICER**

18. Make entry in Telephone Record pertaining to required uniformed member's appearance for subsequent hearings.
19. Ensure Appearance Control Unit is notified the next business day of requested appearance.
20. Notify the operations coordinator and integrity control officer of any mandatory overtime and/or appearance for members of the service who are required to be present at court on a weekend or court holiday.

***NOTE***

*Due to the possibility of short-date notifications, desk officers should be aware that the Corporation Counsel may contact the command to have a uniformed member notified for a court appearance. When a member of the service is not at the command (i.e., regular day off, at a training session, etc.) the desk officer will attempt to notify the member of the service by telephone. All such attempts must be documented in the Telephone Record.*

***ADDITIONAL DATA***

*Members of the service are reminded to adhere to current Department procedures when obtaining a return date for an* ***APPEARANCE TICKET-FAMILY COURT (PD277-130)*** *for juvenile(s) released on personal recognizance. Return dates for juvenile(s) released on personal recognizance do not have to coincide with a Weekend/Holiday Pre-Petition Detention Hearing scheduled for juvenile(s) delivered to the appropriate facility designated by the Administration for Children's Services (ACS). Arraignments for juveniles released on personal recognizance can be held at a later date.*

*Desk officers are reminded of their obligation to forward DNA, narcotics and firearm evidence to the Police Laboratory in a timely manner as outlined in P.G. 218-04, "Delivery of Evidence to the Police Laboratory" and P.G. 218-49, "Immediate Delivery of DNA Evidence to the Police Laboratory and the Office of the Chief Medical Examiner (OCME)."*

*Desk officers will ensure uniformed members of the service are provided with a means of transportation to Manhattan Criminal Court. School Safety personnel will contact their Operations Desk in order to coordinate transportation to Manhattan Criminal Court.*

*If a complainant/victim has difficulty in finding transportation to Manhattan Criminal Court, a reasonable effort should be made by the command to provide transportation. Under no circumstances will such effort take priority over the field operations of the command.*

*The Manhattan Court Section desk is located in Room 132 at Manhattan Criminal Court, 100 Centre Street.*

***ADDITIONAL DATA (continued)***

*Members of the service are reminded that any subsequent hearings following a weekend or court holiday appearance at Manhattan Criminal Court will be conducted in the borough Family Court (borough origin of complaint).*

***RELATED PROCEDURES***

*"Turnover" Arrests (P.G. 208-20)*
*First and Third Platoon Arrests (P.G. 208-25)*
*Offense Committed by a Juvenile Under 18 Years of Age (Other than a Juvenile Offender or Adolescent Offender) (P.G. 215-09)*
*Delivery of Evidence to the Police Laboratory (P.G. 218-04)*
*Immediate Delivery of DNA Evidence to the Police Laboratory and the Office of the Chief Medical Examiner (OCME) (P.G. 218-49)*

***FORMS AND REPORTS***

***ON LINE BOOKING SYSTEM ARREST WORKSHEET (PD244-159)***
***COMPLAINT REPORT (PD313-152)***
***JUVENILE ARREST INVESTIGATION/PROBATION INTAKE REPORT (PD277-151)***
***APPEARANCE TICKET-FAMILY COURT (PD277-130)***

NYPD

| Section: Juvenile Matters | | Procedure No: 215-24 | |
|---|---|---|---|
| **PHOTOGRAPHING JUVENILES CHARGED AS JUVENILE DELINQUENTS, JUVENILE OFFENDERS, OR ADOLESCENT OFFENDERS** | | | |
| DATE ISSUED: 07/01/20 | DATE EFFECTIVE: 07/01/20 | REVISION NUMBER: | PAGE: 1 of 5 |

**PURPOSE** To ensure official Department photographs of juveniles charged as juvenile delinquents, juvenile offenders, or as adolescent offenders, are taken at the time of arrest, when legally permissible, and are stored in the Photo Manager System for investigatory purposes.

**PROCEDURE** When a juvenile is arrested and charged as a juvenile delinquent, juvenile offender, or adolescent offender:

**DESK OFFICER**

1. Direct arresting officer to contact Juvenile Desk, as per P.G. 215-21, "Utilization of the Juvenile Desk" after juvenile is removed to command of detention; and, comply with *Patrol Guide 215-09, "Offense Committed by a Juvenile Under 18 Years of Age (Other than a Juvenile Offender or Adolescent Offender)"* or *Patrol Guide 215-10, "Arrest of Juvenile Offender,"* as appropriate.
2. Determine if the offense for which the juvenile is charged allows him/her to be photographed.
   a. Photographs will be taken of juveniles charged with juvenile delinquency as follows:
      i. 11 or 12 years of age and charged with a class "A" or "B" felony
      ii. 13, 14, 15, 16 or 17 years of age and charged with <u>any</u> felony.
   b. Photographs will be taken of all juveniles charged as juvenile offenders and adolescent offenders.
3. Ensure juvenile is properly placed in front of the "Photograph Background Board" prior to taking the arrest photograph utilizing the command's Digital Camera Capture Station System.

***NOTE*** *In all cases in which photographs are taken of juveniles as part of this procedure, the newly created "Photograph Background Board" MUST be used. This gray colored board is used to ensure that all juvenile photographs have the same color background.*

*Should the Photograph Background Board need to be repaired or replaced, notify the Facilities Management Division.*

*Absent unusual circumstances, the new Photograph Background Boards should also be used for adult digital Prisoner Movement Slip photographs.*

4. Direct the arresting officer to photograph the juvenile delinquent or juvenile offender utilizing the command's Digital Camera Capture Station System.

***NOTE*** *The official arrest photograph for juveniles charged as juvenile delinquents will be the photograph taken at the command of arrest utilizing the Digital Camera Capture Station System.*

***NOTE (continued)*** *The official arrest photograph for juveniles charged as juvenile offenders will be the photograph taken at the borough court section booking facility. However, if a determination is subsequently made to charge the juvenile as a juvenile delinquent and not a juvenile offender, then the official arrest photograph taken at the borough court section booking facility will be deleted, and the Digital Camera Capture Station System photograph will become the official arrest photograph.*

**ARRESTING OFFICER**

5. Properly place juvenile in front of the "Photograph Background Board" prior to taking the arrest photograph.
6. Take one full frontal photograph of the juvenile utilizing the command's Digital Camera Capture Station System, and crop the image to obtain a centered, straight-on, in-focus photograph of the juvenile.
   a. If the juvenile wears prescription eyeglasses, take one photograph with eyeglasses and one without eyeglasses.
7. Take one side-view photograph of the right side of the face of the juvenile.
   a. Turn the juvenile to the left so the right side of the face is photographed
   b. If the juvenile wears prescription eyeglasses, take one photograph with eyeglasses and one without eyeglasses.

***NOTE*** *Under **no circumstances** should intimate areas of the body (e.g., breast, lower waist area, buttocks, etc.) be exposed or photographed.*

8. Ensure the following when taking photographs:
   a. No other person is in the photograph
   b. Juvenile's face is expressionless
   c. Juvenile is not photographed while laughing, smiling, biting their lips or pursing their lips
   d. Juvenile has his/her eyes open
   e. Juvenile is standing straight
   f. Sunglasses and hats are removed
   g. Hair is not covering the face
   h. If the juvenile is wearing a turtle-neck sweater, hooded sweatshirt, or a garment with a large collar, the garment will be folded down to allow as much of the juvenile's neck to be seen as possible.
9. Save the juvenile's image if the requirements listed in steps "5," "6," "7," and "8" are satisfied.

***NOTE*** *The digital capture system will automatically verify the quality of the photograph taken. The member of the service will have three attempts to take a photograph that passes validation. Only after three unsuccessful attempts may a member override the validation and submit a photo. All photographs taken with the digital capture system, including DESK APPEARANCE TICKETS (DATs), are subject to this quality control procedure and must pass validation.*

*If the juvenile refuses to be photographed, the arresting officer will notify the desk officer. The desk officer will attempt to obtain compliance from the juvenile. If the juvenile continues to refuse to be photographed, the desk officer will confer with the Legal Bureau.*

**ARRESTING OFFICER (continued)**

10. Return juvenile to the area designated for the interrogation of juveniles and continue arrest processing.
11. Generate digital Prisoner Movement Slip with digital photograph using the Digital Camera Capture Station System, and retain with juvenile.

**DESK OFFICER**

12. Ensure the arrest is based upon Probable Cause and the arrest was made in compliance with Department procedures and arrest photographs of the juvenile are taken in compliance with the requirements listed in step "2."
13. Confer with Juvenile Desk regarding juvenile arrest and juvenile arrest photograph procedures including the requirements listed in steps "2", "5," "6," "7," and "8."
14. If a juvenile arrest is voided **OR** if juvenile arrest photographs were not taken in compliance with the requirements listed in step "2" **OR** if juvenile arrest photographs were inadvertently "accepted" when they should have been "rejected", prepare a **Typed Letterhead** addressed to Director, Photographic Services requesting arrest photograph and arrest record / information be deleted from the system and explaining the reasons for deletion (see *ADDITIONAL DATA*).
    a. E-mail the **Typed Letterhead** to the Photographic Unit
    b. Make an entry in the Command Log stating the date and time the **Typed Letterhead** was e-mailed to the Photographic Unit and explaining the reasons why the arrest photograph had to be deleted.

***ADDITIONAL DATA***

*Pursuant to the Family Court Act, juvenile delinquent arrest photographs must be kept confidential and in the exclusive possession of the Department. Juvenile delinquent arrest photographs must also be kept separate from adult arrest photographs and juvenile offender arrest photographs. Additionally, pursuant to the Family Court Act, the Department may **ONLY** retain juvenile delinquent arrest photographs:*

1. *During the pendency of the Family Court proceeding that is the subject of the arrest.*
2. *Following the disposition of the Family Court proceeding that is the subject of the arrest, only upon the conviction of a juvenile 11 or 12 years of age, for a class "A" or "B" felony OR the conviction of a juvenile 13, 14, 15, 16 or 17 years of age for any felony.*

***In all other circumstances, ALL copies of juvenile delinquent arrest photographs must be retrieved and destroyed.***

*To ensure compliance with the strict controls mandated by the Family Court Act, members of the service must comply with the following guidelines concerning juvenile delinquent arrest photographs:*

a. *Juvenile delinquent arrest photographs and adult arrest photographs should never be displayed together.*
b. *Juvenile delinquent arrest photographs and juvenile offender arrest photographs should never be displayed together.*
c. *Juvenile delinquent arrest photographs must be treated as confidential and retained in the exclusive control of the Department.*
d. *Juvenile delinquent arrest photographs will not be printed from the Photo Manager System except: (1) to create and preserve a copy of a photo array*

***ADDITIONAL DATA (continued)***

*displayed to a victim / witness; or (2) to preserve a copy of an arrest photograph identified by a victim / witness during a Mugshot photo viewing identification procedure; or (3) to assist in the execution of a Family Court warrant for the charge that is the subject of the arrest for which the juvenile delinquent arrest photograph was taken and entered into the Photo Manager System; or (4) to generate a digital Prisoner Movement Slip. If there are questions concerning the printing of juvenile delinquent arrest photographs from the Photo Manager System, confer with the Legal Bureau. Member in non-investigative assignment will record such conferral in digital* ***Activity Log****. Member in investigative assignment will record such conferral in the appropriate manner in the related electronic case file or non-electronic case folder.*

*e. Juvenile delinquent arrest photographs will not be provided to outside agencies, including other law enforcement agencies, except the District Attorney's Office, NYC Corporation Counsel's Family Court Division or US Attorney's Office, when requested. If there are questions concerning the distribution of juvenile delinquent arrest photographs to other agencies, confer with the Legal Bureau. Member in non-investigative assignment will record such conferral in digital* ***Activity Log****. Member in investigative assignment will record such conferral in the appropriate manner in the related electronic case file or non-electronic case folder.*

*f. Juvenile delinquent arrest photographs will not be used for wanted flyers.*

*g. Juvenile delinquent arrest photographs will not be used for missing person flyers without permission from the Legal Bureau.*

*h. Juvenile delinquent arrest photographs will not be released to the media.*

***SAMPLE OF TYPED LETTERHEAD***

***POLICE DEPARTMENT***
***CITY OF NEW YORK***

*[DATE]*

*From: [RANK, NAME, COMMAND]*

*To: Director, Photographic Services*

*Subject:* ***REQUEST FOR DELETION OF JUVENILE DELINQUENT ARREST PHOTOGRAPHS AND RECORDS / INFORMATION***

*1. On [DATE], [RANK] [FULL NAME] [TAX REGISTRY #], arrested [JUVENILE'S FULL NAME], [ARREST NUMBER], as a juvenile delinquent for [CHARGES]. Arrest photographs of the respondent were erroneously taken due to the fact that [STATE REASON(S) WHY DELETION IS NECESSARY].*

*2. Based upon the forgoing facts, I request that all copies of arrest photographs and arrest records / information be deleted.*

*3. For your information and appropriate attention.*

*[SUPERVISOR'S FULL NAME]*
*[SUPERVISOR'S RANK]*

***RELATED PROCEDURES***

*Photographable Offenses (P.G. 208-07)*
*Offense Committed by a Juvenile Under 18 Years of Age (Other than a Juvenile Offender or Adolescent Offender) (P.G. 215-09)*
*Arrest of Juvenile Offender or Adolescent Offender (P.G. 215-10)*
*Utilization of the Juvenile Desk (P.G. 215-21)*

***FORMS AND REPORTS***

***Typed Letterhead***

NYPD

# PATROL GUIDE

| Section: Juvenile Matters | | Procedure No: 215-25 | |
|---|---|---|---|
| **CHILD CUSTODY EXCHANGES OCCURRING AT NEW YORK CITY POLICE DEPARTMENT FACILITIES** | | | |
| DATE ISSUED: 03/21/18 | DATE EFFECTIVE: 03/21/18 | REVISION NUMBER: | PAGE: 1 of 1 |

**PURPOSE** To provide a safe and neutral environment to perform child custody exchanges.

**DEFINITION** CHILD CUSTODY EXCHANGE – The physical exchange of a child from one party to another.

**PROCEDURE** When a member of the service is notified by a person that they are present at a Department facility for the purpose of conducting a child custody exchange, as stipulated by a New York City Family Court order:

**MEMBER OF THE SERVICE**

1. Notify the desk officer.

**DESK OFFICER**

2. Designate a uniformed member of the service to monitor the child custody exchange.
3. Make an entry in the Command Log and record, for each party present, the date and time of arrival, the person's full name, address, date of birth, and the name of the uniformed member of the service monitoring the child custody exchange.

**UNIFORMED MEMBER OF THE SERVICE**

4. Ensure party is fit to take custody of child (i.e., not under the influence of controlled substances, etc.).
5. Monitor the child custody exchange.
6. Encourage parties to leave Department facility at staggered departure times.

**DESK OFFICER**

7. Enter in the Command Log the time of departure, for each party.

***ADDITIONAL DATA*** *Members of the service are reminded that the Department has no authority to take enforcement action where one or more parties involved in the child custody exchange refuses to comply, wholly or in part, with the exchange. In such circumstances, members of the service will advise the parties to return to the court, which issued the visitation order to gain compliance. However, should a verbal dispute or offense arise during the course of a child custody exchange, members of the service will comply with P.G. 208-36, "Family Offenses/Domestic Violence."*

| Section: Juvenile Matters | | Procedure No: 215-26 | |
|---|---|---|---|
| **ISSUANCE OF WARNING CARD (PD277-121) TO STUDENTS 16 YEARS OF AGE OR OLDER IN NYC PUBLIC SCHOOLS** | | | |
| DATE ISSUED: 07/01/20 | DATE EFFECTIVE: 07/01/20 | REVISION NUMBER: | PAGE: 1 of 2 |

**PURPOSE**

To instruct uniformed members of the service and/or school safety agents (SSA) on the issuance of **WARNING CARDS (PD277-121)** for students sixteen years of age or older, enrolled in that particular school, who commit a New York State Penal Law violation of Disorderly Conduct or Unlawful Possession of Marijuana while on school grounds during school hours, or while school activities are in session.

**PROCEDURE**

When a New York City Department of Education student aged sixteen years of age or older, enrolled in that particular school, commits a New York State Penal Law violation of Disorderly Conduct or Unlawful Possession of Marijuana while on school grounds during school hours, or while school activities are in session:

**UNIFORMED MEMBER OF THE SERVICE/ SCHOOL SAFETY AGENT**

1. Comply with *Patrol Guide 215-13, "Handcuffing/Restraining Students Within School Facilities for Arrest or as an Emotionally Disturbed Person and Use of Alternative Restraints/Velcro Cuffs,"* as appropriate.
2. Conduct warrant check though Communications Section and/or through a mobile device.
3. Confer with the school principal/designee on the issuance of a **WARNING CARD**.
4. Consult written logbook, maintained by SSA Level 3 assigned to the school, if available, listing all students that have been previously issued a **WARNING CARD** to identify previous infractions and determine if issuing a **WARNING CARD** is appropriate.
   a. Factors to be considered to determine appropriateness include:
      (1) If offenses other than Disorderly Conduct or Unlawful Possession of Marijuana were committed
      (2) Quantity of Marijuana
      (3) Demeanor
      (4) Opinion of school principal/designee
      (5) Specific details of the incident.
   b. Prior to making the final determination, confer with the School Safety Division Operations supervisor for additional direction.
   c. The final decision regarding whether to issue a **WARNING CARD**, in lieu of a Criminal Court summons, will be made by the uniformed member of the service/school safety agent.
5. Issue student a **WARNING CARD** in lieu of a Criminal Court summons, if appropriate, and if no other offense was committed.
   a. Complete all captions on **WARNING CARD**.
   b. Provide copy of **WARNING CARD** to the student.
   c. Forward original **WARNING CARD** to School Safety Division's Operations Center.
6. Notify the School Safety Division supervisor at the school of details.

**UNIFORMED MEMBER OF THE SERVICE/ SCHOOL SAFETY AGENT (continued)**

7. Make entry in **ACTIVITY LOG (PD112-145)**, or digital **Activity Log,** including:
   a. Penal Law violation (Disorderly Conduct or Unlawful Possession of Marijuana) alleged
   b. Student's name and date of birth
   c. Name of school and location of incident
   d. Name of school principal/designee conferred with and whether or not parent notification made
   e. Rank and name of School Safety Division Operations supervisor conferred with
   f. Serial number provided by School Safety Division Operations
   g. Rank and name of School Safety Division supervisor at school notified.
8. Confiscate contraband for subsequent testing and invoicing, as per *P.G. 218-08, "Field Testing of Marijuana by Authorized Uniformed Members of the Service."*

**SCHOOL SAFETY DIVISION SUPERVISOR**

9. Ensure **WARNING CARD** log entries are made at school.

***ADDITIONAL DATA***

*A **WARNING CARD** will be assigned a serial number by the School Safety Division and filed at the School Safety Division's Operations Center.*

*All **WARNING CARDS** issued during a school year will be destroyed at the end of that school year.*

*Any inquiries regarding the Warning Card program shall be directed to the School Safety Division's Operations Center.*

***RELATED PROCEDURES***

*Personal Service of Summonses Returnable to Traffic Violations Bureau or Criminal Court (P.G. 209-06)*
*Field Testing of Marijuana by Authorized Uniformed Members of the Service. (P.G. 218-08)*

***FORMS AND REPORTS***

***WARNING CARD (PD277-121)***

# PATROL GUIDE

| Section: Juvenile Matters | | Procedure No: 215-27 | |
|---|---|---|---|
| **SCHOOL RELATED THREATS AT A NYC DEPARTMENT OF EDUCATION SCHOOL/PROPERTY** | | | |
| DATE ISSUED: 01/08/20 | DATE EFFECTIVE: 01/08/20 | REVISION NUMBER: | PAGE: 1 of 2 |

**PURPOSE** To ensure a thorough investigation is conducted regarding school-related threats received at a NYC Department of Education school/property.

**DEFINITION** SCHOOL-RELATED THREAT – A threat with no corroborating evidence to support that it will be carried out (e.g., jokes or statements made in anger that are expressions of feelings, or figures of speech, rather than expressions of a genuine intent to harm someone).

**PROCEDURE** When a school-related threat has been made at a NYC Department of Education school/property:

**UNIFORMED MEMBER OF THE SERVICE**

1. Confer with School Safety Division Counterterrorism Unit prior to taking enforcement action against a student regarding school-related threats.
2. Ascertain from principal/school staff any pertinent information about student and specific details of threat.
3. Request response of patrol supervisor.

**SCHOOL SAFETY DIVISION COUNTER-TERRORISM UNIT**

4. Make recommendation regarding threat based on factors that are determined by the Commanding Officer, School Safety Division.
5. Comply with *P.G. 215-17, "Police Actions, Related Questioning, Arrests and Investigations at a NYC Department of Education School/Property"* when taking enforcement action in a NYC Department of Education facility, or on NYC Department of Education property.

**PATROL SUPERVISOR**

6. Ensure conferral was made with School Safety Division Counterterrorism Unit.
7. Confer with School Safety Division Counterterrorism Unit supervisor when:
   a. There is disagreement with recommendation from School Safety Division Counterterrorism personnel.
8. Notify commanding officer/duty captain, if not in agreement with recommendation of School Safety Division Counterterrorism Unit supervisor.

**COMMANDING OFFICER/ DUTY CAPTAIN**

9. Review circumstances of incident.
10. Confer with School Safety Division Counterterrorism Unit, if necessary.
11. Make final determination regarding action to be taken.

***ADDITIONAL DATA*** *This procedure does not preclude a member of the service from ensuring the safety of other students and school administrators when responding to a school-related incident. In the event a member of the service develops information that a subject may be connected to terrorism, he or she must comply with P.G. 212-110, "Communications Between the Intelligence Bureau and Units in the Field Regarding Suspected Terrorist Activity."*

***ADDITIONAL DATA (continued)***

*Threats made by students materialize in a myriad of ways (e.g., social media accounts, e-mail, phone, letter, fax, word of mouth, etc.). These communications require a thorough investigation before a student is formally charged with a crime. Presently, the School Safety Division Counterterrorism Unit is the central repository of all threats affecting the New York City school system. Their knowledge and expertise regarding the severity of threats will assist responding officers with making a final determination of whether an arrest of a student(s) is warranted, or if the incident should be referred back to the school for appropriate discipline and/or counseling. When notified, School Safety Division Counterterrorism Unit personnel will assess the exigency of the alleged threat to determine if it is a low-level, unverified threat with little substantive evidence to warrant detention, or if the threat is serious enough to support a charge based on probable cause. Furthermore, School Safety Division Counterterrorism Unit personnel will make follow-up notifications corresponding to the appropriate threat level.*

*When the School Safety Division Counterterrorism Unit determines that the incident in question is a low-level, unverified threat and is being referred back to the school for discipline, and/or no further investigation is needed, it is not necessary to notify the Intelligence Bureau in regard.*

***RELATED PROCEDURES***

*Neighborhood Coordination Sergeant (P.G. 202-19c)*
*Arrests - General Processing (P.G. 208-03)*
*Prisoners General Procedure (P.G. 210-01)*
*Truants (P.G. 215-07)*
*On-Line Juvenile Report System (P.G. 215-08)*
*Offense Committed by a Juvenile Under 18 Years of Age (Other than a Juvenile Offender or Adolescent Offender) (P.G. 215-09)*
*Arrest of Juvenile Offender or Adolescent Offender (P.G. 215-10)*
*Personal Recognizance Juvenile Delinquent (P.G. 215-12)*
*Handcuffing/Restraining Students Within School Facilities for Arrest or as an Emotionally Disturbed Person and Use of Alternative Restraints/Velcro Cuffs (P.G. 215-13)*
*Police Actions, Related Questioning, Arrests and Investigations at a NYC Department of Education School/Property (P.G. 215-17)*

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# PATROL GUIDE

| Section: Juvenile Matters | | Procedure No: 215-28 | |
|---|---|---|---|
| **USE OF CHILD CAR SEATS** | | | |
| DATE ISSUED: 07/01/20 | DATE EFFECTIVE: 07/01/20 | REVISION NUMBER: | PAGE: 1 of 2 |

**PURPOSE** To provide safe transport for children in Department vehicles.

**PROCEDURE** When transporting a child under the age of eight in a Department vehicle:

**UNIFORMED MEMBER OF THE SERVICE**

1. Notify desk officer in order to arrange to have a child car seat and/or booster seat delivered to the scene.

**DESK OFFICER**

2. Ensure uniformed member of the service placing child in child car seat or booster seat has been trained in its use and installation.

**UNIFORMED MEMBER OF THE SERVICE**

3. Ensure child is placed safely in appropriate safety seat, and that safety belts are in working order and properly buckled.
4. Notify radio dispatcher of the presence of a child, the time entering the Department vehicle, their gender and the beginning mileage.
   a. Notify the radio dispatcher of the time the child exited Department vehicle and ending mileage upon arrival at destination.
5. Enter in digital **Activity Log**:
   a. Time trip starts,
   b. Identity of child transported,
   c. Place of beginning and end of trip,
   d. Purpose of trip,
   e. Time trip ends, and
   f. Notation a child car seat and/or booster seat was utilized.

**DESK OFFICER**

6. Inspect child car seat and booster seat at the start of every tour to ensure:
   a. Restraints are in proper working order
   b. Restraints are not beyond expiration.
7. Notify operations coordinator, if defective or expired.

**OPERATIONS COORDINATOR**

8. Verify child car seat and booster seat are properly secured in the command, and in proper working order.
   a. Order new child car seat and/or booster seat, as necessary.

**TRAINING SERGEANT**

9. Ensure that all uniformed members of the command have been appropriately trained in the use and installation of child car seats and booster seats.

***ADDITIONAL DATA*** *All children under the age of eight must be properly secured in a restraint system while riding in a motor vehicle. Children under the age of four must be secured in a child car seat. If they are under the age of two, the seat must be facing the rear of the vehicle. The booster seat must be utilized for children aged four to seven. Both the child car seat, and the booster seat, must only be used in the back seat of the vehicle.*

***RELATED PROCEDURES***

*Transporting Non-Members of the Service in Radio Motor Patrol Cars (P.G. 212-07)*
*Children or Minors Requiring Care and/or Shelter (P.G. 215-01)*
*Emergency Removals or Investigations and Reporting of Abused, Neglected or Maltreated Children (P.G. 215-03)*

NYPD
POLICE DEPARTMENT CITY OF NEW YORK

**PURPOSE** To render necessary aid, take corrective or summary action and prepare the prescribed forms.

**DEFINITIONS** AIDED CASE - Any occurrence coming to the attention of a uniformed member of the service which requires that a person, OTHER THAN A PRISONER, receive medical aid or assistance because such person is:

a. Sick or injured (except vehicle or bicycle collision)
b. Dead (except vehicle or bicycle collision)
c. Lost person
d. Mentally ill
e. An abandoned, destitute, abused or neglected child
f. Runaway child
g. Adult requiring care due to arrest, hospitalization, death of parent/guardian/person responsible for care
h. Homeless individual.

***NOTE*** *Contact with homeless individuals resulting from outreach efforts will be recorded by selecting the "Other (Explain in Details)" check box on the **AIDED REPORT** and including the circumstances of the contact under the "Details" section of the **AIDED REPORT**.*

ROUTINE SICK AT HOME - Requires ONLY a digital **Activity Log** entry if aided is at any residence AND

a. Is conscious and properly identified
b. No other police service or notification is required
c. No dependent adults or uncared for children are in household
d. No other investigation is needed.

***NOTE*** *Ascertain that ambulance is responding and resume patrol.*

ROUTINE SICK IN NURSING HOMES - Uniformed members of the service will NOT respond to sick cases in nursing homes. However, other than a routine sick case (injury, cardiac, D.O.A., etc.), a uniformed member will respond to the nursing home, prepare an **AIDED REPORT**, and make necessary notifications.

**PROCEDURE** Upon arrival at the scene of an aided incident:

**UNIFORMED MEMBER OF THE SERVICE**

1. Render reasonable aid to sick or injured person.
   a. Refer individual to NYC Well and provide a **NYC WELL PALM CARD (PD154-181)**, if appropriate (see ADDITIONAL DATA).
2. Request an ambulance or doctor, if necessary.
   a. If not assigned to patrol, request dispatcher to assign patrol unit concerned

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

b. If aided person is wearing a Medic Alert Emblem indicating diabetes, heart disease, etc., notify radio dispatcher and bring to the attention of ambulance attendant. Do not remove Emblem.

3. Wait in view to direct the ambulance or have a responsible person do so.
4. Make a second call in twenty minutes if ambulance does not arrive.
5. Make digital **Activity Log** entry.
   a. Include name of person notified regarding Medic Alert Emblem
   b. Include Ambulance Call Report (ACR) number or Patient Care Report (PCR) number related to the aided (obtain from the responding ambulance attendant).
6. Accompany unconscious or unidentified aided to hospital in body of ambulance.
   a. Witness search by hospital authorities and sign hospital property record as witness
   b. Examine property removed in attempt to determine identity of aided
   c. Record, in digital **Activity Log**, a list of property removed and identity of person conducting search.

***NOTE*** *When a uniformed member of the service responds to an aided case and finds that the aided has been removed from the scene prior to the arrival of the member, such member will ascertain the location of the aided and obtain all information necessary for preparation of **AIDED REPORT**.*

7. Obtain name, address and telephone number of relative or friend for notification.
8. Prepare **AIDED REPORT**.
   a. Include under "Details," name of person notified regarding Medic Alert Emblems worn.

ALL AIDED CASES:

**UNIFORMED MEMBER OF THE SERVICE**

9. Have relatives/friends notified if aided is admitted to a hospital or dies.
10. Classify aided "Unidentified" if unable to make identification and inform desk officer.
11. Submit **AIDED REPORT** to desk officer.

**DESK OFFICER**

12. Ascertain that notification has been made or comply with *P.G. 216-03, "Unidentified Persons."*
13. Review **AIDED REPORT** for accuracy and completeness.

***NOTE*** *In cases where a death has occurred or the person is seriously injured and likely to die, the desk officer will ensure that a notification is made in a timely manner and document the time and date of the notification as well as the name of member making notification under caption "Notification" on the **AIDED REPORT**.*

14. Process **AIDED REPORT** in accordance with *P.G. 216-02, "Preparation of Aided Report."*

**DESK OFFICER (continued)**

15. Notify the New York City Human Resources Administration Adult Protective Services to obtain care for a dependent adult due to arrest, hospitalization or death of a guardian.

***ADDITIONAL DATA***

*When an aided person is placed in care of ambulance or medical personnel at a hospital, the authority and responsibility for the medical care of the aided rests solely with hospital personnel.*

*Uniformed members of the service concerned shall cooperate with ambulance/hospital personnel in every reasonable manner.*

*If a person is unconscious in a manhole, the uniformed member of the service concerned should immediately request the services of the Emergency Service Unit. If there is reason to believe that the victim was asphyxiated by lack of oxygen, or toxic gas in the manhole, the member WILL NOT DESCEND into the manhole unless equipped with a self-contained oxygen breathing apparatus such as a Scott Air Pack, NOT a filter mask as used by the military. If a person is unconscious in a manhole and there is reason to believe the atmosphere in the manhole is safe, the member concerned, before descending into the manhole, shall obtain a rope or similar article and tie the rope, etc., securely around his/her body. A capable person outside the manhole should hold the free end.*

*A member of the service (uniformed or civilian) who receives a report of a crime involving personal physical injury, death or loss of essential personal property to an innocent crime victim will notify the victim, or a dependent or surviving relative, of the State Crime Victim's Compensation Program and that additional information and applications are available at any precinct stationhouse, police service area or transit district.*

*Whenever a uniformed member of the service is present at the scene of an aided case that is not life threatening, and there is a difference of opinion between the aided, aided's family, or other interested parties and Emergency Medical Service (EMS) personnel relative to the medical treatment or removal of the aided to a hospital, the member concerned will IMMEDIATELY request the patrol supervisor and an EMS supervisor to respond to the scene. If the patrol supervisor is not available, the Communications Section dispatcher will automatically direct the patrol supervisor from the adjoining command to respond without delay.*

*The patrol supervisor will immediately respond to ascertain the facts, and if the situation is resolved, the request for the EMS supervisor will be canceled. If the situation cannot be properly resolved, the patrol supervisor will make a second request for an EMS supervisor to respond to the scene.*

*When responding to an aided case, and the aided is the victim of domestic violence, uniformed members concerned will ensure that photographs are taken of the visible injuries, as per Patrol Guide 208-39, "Family Offenses/Domestic Violence (Digital Photography of Visible Injuries/Damaged Property)."*

*NYC Well is a treatment referral program for individuals or families in need of counseling assistance outside the purview of this Department (e.g., drug/alcohol abuse, mental health related issues, the lonely and confused, etc.). Members of the service responding to aided*

***ADDITIONAL DATA (continued)***

*cases encountering such individuals or families are directed to give to them a **NYC WELL PALM CARD**, which contains the program's contact information. NYC Well personnel can be reached by a toll-free number, text, or via website, 24 hours a day, 7 days a week. Texting and live chat services are available in various languages. NYC Well is not intended as an alternative means by which to handle mentally ill or emotionally disturbed persons who may pose a danger to themselves or others. In such situations, members will comply with P.G. 221-13, "Mentally Ill or Emotionally Disturbed Persons."*

*Uniformed members of the service at the scene of an incident at which an aided is acting in a deranged, erratic manner apparently caused by a drug overdose (e.g., cocaine psychosis, angel dust, heroin overdose, etc.) will request the response of the patrol supervisor. If an ambulance is not immediately available, the supervisor will determine if aided should be removed to the appropriate hospital by utilizing an RMP or await the arrival of an ambulance. The aided is not to be brought to a police facility.*

*Cocaine induced psychosis or other illegal drug usage may cause violent behavior, which may be a means of self-defense against imagined persecutors. In addition to paranoia, the individual may experience visual, auditory, or tactile (e.g., bugs crawling under the skin, etc.), hallucinations, high body temperature and seizures. Since sudden death may ensue, uniformed members of the service are reminded to have such person brought to an appropriate hospital facility and NOT TO A POLICE FACILITY.*

*Pending arrival of an ambulance, the uniformed member should allow a sick/injured person to be treated by a doctor, emergency medical technician or paramedic, if such person volunteers his/her services, and the uniformed member reasonably believes the volunteer is a professional. The medical attention should take place, if possible, under the observation of the member concerned. When the emergency situation is under control, request identification from volunteer, including name and address, and record information in digital **Activity Log** and under "Details" on **AIDED REPORT**. The volunteer's role is limited to providing medical assistance ONLY. Determination regarding removal procedures via ambulance, Medivac, etc., will be determined by Emergency Medical Service personnel.*

***RELATED PROCEDURES***

*Family Offenses/Domestic Violence (Digital Photography of Visible Injuries/Damaged Property) (P.G. 208-39)*
*Runaway Children (P.G. 215-05)*
*Preparation of Aided Report (P.G. 216-02)*
*Unidentified Persons (P.G. 216-03)*
*Mentally Ill or Emotionally Disturbed Persons (P.G. 221-13)*
*Notifications (P.G. 216-15)*
*Safeguarding Property of Deceased Persons (P.G. 218-28)*

***FORMS AND REPORTS***

***AIDED REPORT***
***NYC WELL PALM CARD (PD154-181)***

| Section: Aided Cases | | Procedure No: 216-02 | |
|---|---|---|---|
| **PREPARATION OF AIDED REPORT** | | | |
| DATE ISSUED: 06/23/20 | DATE EFFECTIVE: 06/23/20 | REVISION NUMBER: | PAGE: 1 of 4 |

**PURPOSE** To provide statistical data and record occurrences and services rendered.

**PROCEDURE** To record an aided case:

**UNIFORMED MEMBER OF THE SERVICE**

1. Prepare **AIDED REPORT** utilizing the Finest Online Records Management System (FORMS).
   a. Complete all boxes with captions pertaining to the aided case.
   b. Document the type of "Treatment" the aided received on **AIDED REPORT** using the appropriate caption (i.e., "Removed to Hospital," "Treated at Scene," "Refused Medical Aid").
   c. If a person is unidentified and hospitalized, enter the hospital admission number under caption "Admission #: If unidentified and hospitalized" on **AIDED REPORT**.
   d. If the City is involved, check caption "City Involved" and enter agency code, official diagnosis, description of area and witness' name, address and telephone number under caption "Dept. or Agency Involved."
   e. If intradepartmental notifications are required, select and complete caption "Department Notifications" on **AIDED REPORT**. These include but are not limited to:
      (1) PRECINCT YOUTH COORDINATION OFFICER (Child's Temporary Resident Precinct) – If person deceased or removed to hospital and UNCARED FOR CHILDREN are left with friends, neighbors, relatives, etc., not residing in household
      (2) PRECINCT YOUTH COORDINATION OFFICER (Child's Permanent Resident Precinct) – If child is neglected, abused or maltreated
      (3) EMERGENCY SERVICES UNIT – If cardio-pulmonary resuscitation (CPR) is administered by members of the service
      (4) HARBOR UNIT – If person injured or killed in boating collision or person aided on an island inaccessible to a patrol precinct
      (5) OTHER – If directed by Patrol Guide, or other directive, forward duplicate copy of **AIDED REPORT** to unit concerned.

***NOTE*** *Intradepartmental notifications must be made as required. Notifications are to be made electronically through FORMS. If notification through FORMS is not possible, then notification is to be made via telephone, or other means, as appropriate.*

NYPD

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

f. If additional Department reports are required, indicate "Form Type," "Report Number," "Violation Section" (as appropriate), and "Precinct," in "Additional Reports Prepared" caption.

g. When applicable, document in the appropriate field boxes whether the aided accepted or refused shelter and the name of the facility.

h. Document whether a Conducted Electrical Weapon (CEW) was used in the field box "CEW Used? Yes/No."

i. If a "Suspected Narcotics Overdose" aided case:

(1) Enter the "Suspected Narcotic Type:" used by aided, if known

(2) Enter "Method of Use:," if known (i.e., smoked, ingested, snorted, injected, etc.)

(3) Enter name of person that informed MOS of narcotic type used by aided in the "Informed By:" field box

(4) Select whether "Naloxone/Narcan Used:," enter the "Number of Uses:," "Administered By:," "Agency:," and select whether "Responded to Naloxone/Narcan?"

i. If Naloxone/Narcan was administered, enter "Naloxone/Narcan Log No." obtained from Operations Division

ii. If Naloxone/Narcan was administered by NYPD, enter the rank, name and tax registry of each uniformed member who discharged a spray in the "Details" caption.

j. If Oleoresin Capsicum (O.C.) spray used, select caption "MOS Who Discharged O.C. Spray" on **AIDED REPORT**, and enter in the rank, name and tax registry number of each uniformed member of the service who discharged spray.

k. Under "Details" caption, use own words to describe apparent illness or injury, such as "stomach pains," "head injury," "maternity," etc.

l. If an unidentified person was treated and released, record such facts under "Details" caption.

m. If child/dependent adult left uncared for, enter the following in the "Details" caption:

(1) Name of child/dependent adult, date of birth, phone number, cell phone number, address, and current location

(2) Designated caregiver's name, date of birth, phone number, cell phone number, and address.

2. Comply with *P.G. 208-03, "Arrests – General Processing,"* if alerted on Department mobile device (e.g., cellular telephone, tablet, etc.) that aided has a felony warrant or an active **INVESTIGATION CARD (PD373-163)** labeled, *"Perpetrator – Probable Cause To Arrest."*

3. Report incident to desk officer, precinct of occurrence.

4. Submit **AIDED REPORT** to the desk officer.

**DESK OFFICER**

5. Review **AIDED REPORT** using FORMS and ensure that all required captions are complete and accurate, and that all proper notifications are made.
   a. If unable to verify accuracy and completeness, return to submitting uniformed member of the service for necessary attention.
6. Approve **AIDED REPORT** using FORMS, after verifying accuracy and completeness, and ensure appropriate action is immediately taken.
7. Ensure Command Clerk prepares duplicate reports for outside agencies, as necessary.

**COMMAND CLERK**

8. Prepare duplicate reports for outside agencies by printing out and placing copy in a white envelope, addressed appropriately (e.g., Office of the Comptroller, One Centre Street, New York, NY 10007, attn: CIF Department) and forward to the Mail and Distribution Unit.

***ADDITIONAL DATA***

*Once aided information is entered into FORMS, aided numbers will be automatically and sequentially issued by the system for each precinct, and will be composed of:*

*a. A four digit year number; and*
*b. A three digit precinct number; and*
*c. A five digit serial number.*

*If a number of persons are aided as a result of the same occurrence:*

*a. The first numbered FORMS **AIDED REPORT** will describe the full details*
*b. On each succeeding **AIDED REPORT** for the same occurrence, only the aided number, name, address, sex, age, and the nature of the injury/illness of the aided person will be entered. (Include the name of hospital and name of attendant if different from information contained on first **AIDED REPORT**)*
*c. Under "Details," make reference to the full name of the person on the **AIDED REPORT** that describes the full details of incident.*

*Upon receipt of additional information related to an aided case that has already been entered into FORMS, the uniformed member receiving additional information will prepare an additional **AIDED REPORT**. The desk officer will review the new information and approve the **AIDED REPORT**, and ensure that it is electronically linked to the original **AIDED REPORT** in the "Additional Reports Prepared" caption.*

*When an **AIDED REPORT** is prepared in other than the precinct of occurrence, the desk officer/supervisory counterpart, command of report, will review and submit the **AIDED REPORT** to the desk officer, precinct of occurrence electronically. The desk officer/supervisory counterpart, precinct of occurrence is responsible for final approval.*

*When FORMS becomes disabled, members of the service will prepare an **AIDED REPORT WORKSHEET (PD304-152b)** and be guided by their desk officer regarding input into FORMS.*

***RELATED PROCEDURES***

*Arrests – General Processing (P.G. 208-03)*

| | |
| --- | --- |
| ***FORMS AND REPORTS*** | ***AIDED REPORT***<br>***AIDED REPORT WORKSHEET (PD304-152b)***<br>***INVESTIGATION CARD (PD373-163)*** |

NYPD

**PURPOSE** To record and initiate investigation of an unidentified person.

**DEFINITION** UNIDENTIFIED PERSON - Subject of an aided/collision case and is:

a. Unable to identify himself or such information cannot be determined at once, OR
b. Admitted to a hospital, or a child in a shelter, whose relatives or friends cannot be located or are unknown at the address given, OR
c. Actually or apparently under eighteen years of age and refuses to identify himself or give his home address, OR
d. Dead human body and the true name and address are unknown, or if known, the relatives or friends cannot be located.

**PROCEDURE** Upon responding to the scene of an aided/collision case and the victim is unidentified.

**UNIFORMED MEMBER OF THE SERVICE**

1. Interview neighbors/witnesses to obtain information regarding identity of relatives or friends of aided/collision victim.
2. Accompany subject to hospital and obtain any information that may assist in identifying subject from hospital authorities.

***NOTE*** *If aided/collision victim is deceased, comply with P.G. 218-28, "Safeguarding Property of Deceased Person."*

3. Make digital **Activity Log** entry of incident and include an accurate description of subject and clothing worn.
4. Prepare **AIDED REPORT** or **Police Accident Report (MV104AN)**, as appropriate, one copy of **MISSING/UNIDENTIFIED PERSON REPORT (PD336-151)** and **COMPLAINT REPORT WORKSHEET (PD313-152A)** if victim is deceased (see *P.G. 216-04, "Dead Human Body General Procedure").*

**DESK OFFICER**

5. Check command records.
6. Notify detective squad to conduct preliminary investigation.
   a. If no detective is immediately available, the patrol supervisor will commence the preliminary investigation, pending arrival of assigned detective.

***NOTE*** *Assigned detective is responsible for continuing and completing the investigation.*

**PRECINCT DETECTIVE/ PATROL SUPERVISOR**

7. Notify Missing Persons Squad of available information.
   a. Enter name of Missing Persons Squad member notified on copy of **MISSING/UNIDENTIFIED PERSON REPORT**.
8. Conduct an immediate preliminary investigation, AND
   a. Interview neighbors/witnesses in an effort to obtain further information.

**PRECINCT DETECTIVE/ PATROL SUPERVISOR (continued)**

b. Examine documents/property removed from aided/collision victim or from residence, e.g., personal papers, wills, bankbooks, insurance policies, etc.

c. Make any other reasonable effort to identify aided/collision victim or locate relatives or friends.

9. Notify desk officer and Missing Persons Squad of results of preliminary investigation.

***NOTE*** *If subject is homicide victim, the assigned precinct detective handles the identification and notification process. The Missing Persons Squad will provide assistance, if needed.*

**COMMAND CLERK**

10. Enter unidentified person complaint in OMNIFORM System and obtain serial number.

**DESK OFFICER**

11. Have **MISSING/UNIDENTIFIED PERSON REPORT** typed from copy prepared by uniformed member of the service.

a. If unidentified aided/collision victim is at least 7 but less than 18 years of age, prepare **JUVENILE REPORT SYSTEM WORKSHEET (PD377-159A)** and assign precinct serial number.

12. Review, sign and forward **MISSING/UNIDENTIFIED PERSON REPORT**, **AIDED REPORT**, **Police Accident Report** and **JUVENILE REPORT SYSTEM WORKSHEET**, if prepared, as per instructions on the form.

**YOUTH COORDINATION OFFICER**

13. Process all **JUVENILE REPORT SYSTEM WORKSHEET** prepared for unidentified aided/collision victims and provide assistance to precinct detective squad.

**ASSIGNED DETECTIVE**

14. Forward **COMPLAINT FOLLOW-UP INFORMATIONAL (pink) (PD313-081A)** within three working days detailing the steps taken in the preliminary investigation UNLESS the investigation was closed on the **MISSING/UNIDENTIFIED PERSON REPORT**.

a. Obtain Missing Persons Squad case number and identity of assigned detective.

***RELATED PROCEDURES***

*On-Line Juvenile Report System (P.G. 215-08)*
*Aided Cases General Procedure (P.G. 216-01)*
*Preparation of Aided Report (P.G. 216-02)*
*Dead Human Body General Procedure (P.G. 216-04)*

***FORMS AND REPORTS***

***AIDED REPORT***
***COMPLAINT FOLLOW-UP INFORMATIONAL (pink) (PD313-081A)***
***COMPLAINT REPORT WORKSHEET (PD313-152A)***
***JUVENILE REPORT SYSTEM WORKSHEET (PD377-159A)***
***MISSING/UNIDENTIFIED PERSON (PD336-151)***
***Police Accident Report (MV104AN)***

**PURPOSE** To ensure that notifications to concerned authorities and relatives are properly made and recorded, evidence is preserved and proper disposition is made of dead human bodies.

**PROCEDURE** Upon arrival at scene of an apparently dead human body:

**UNIFORMED MEMBER OF THE SERVICE**

1. Request ambulance and patrol supervisor to respond.
2. Exclude unauthorized persons from scene.
3. Obtain names of witnesses and detain at scene if death is suspicious.
4. Screen area from public view, if possible.
5. Cover body with waterproof covering, if publicly exposed.
6. Ascertain facts and notify desk officer as soon as possible.
7. Request aided person be removed to hospital or that doctor be dispatched if pronouncement of death by ambulance attendant, emergency medical technician or paramedic is questioned by anyone.

**DESK OFFICER**

8. Notify:
   a. Detective squad.

***NOTE*** *Responding detective will notify Crime Scene Unit, if an apparent homicide, suicide, or death is suspicious.*

   b. Harbor Unit, if aided is removed from navigable waters by other than Harbor Unit personnel
   c. Operations Unit, if an apparent homicide, suicide or death is suspicious
   d. Communications Section, if death is unusual or homicide
   e. Medical Examiner
      (1) Obtain Medical Examiner Case Number for entry on **AIDED REPORT**
      (2) Inform Medical Examiner if plastic sheet or bag may be factor in death
      (3) Make follow-up call to Medical Examiner, if he/she fails to respond within one hour.
9. Record all calls to Medical Examiner in Telephone Record.

**UNIFORMED MEMBER OF THE SERVICE**

10. Prevent anyone from disturbing body or its effects, EXCEPT:
    a. Paramedic, E.M.T., or doctor (caution not to disturb evidence)
    b. Medical Examiner or assistant
    c. District Attorney or assistant
    d. Members of the Detective Bureau, detective squad or Crime Scene Unit
    e. Member of Highway District assigned as "collision technicians" or "collision investigators"
    f. Member of Emergency Service Unit, if body is on train tracks or in subway tunnel.

***NOTE*** *Make digital **Activity Log** entry identifying all persons entering crime scene.*

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

11. Prepare and attach **IDENTIFICATION TAG (PD317-091)** on body.

***NOTE*** *An **IDENTIFICATION TAG** will be placed on dead human bodies, parts of bodies, and human fetuses that are to be delivered to the morgue.*

12. Obtain receipt on lower half of **IDENTIFICATION TAG** for body when removed to morgue, and for body and death certificate if released to a funeral director or other authorized person.
13. Prepare **AIDED REPORT** or **Police Accident Report (MV104AN)**, as appropriate, and under "Details" include:
    a. Name and badge number of morgue vehicle operator removing body, or
    b. Name and address of undertaker authorized to remove body and name, address, and relationship or person authorizing such removal, or
    c. Name, address, and relationship of person to whom body was released.

***NOTE*** *A notification to a member of the immediate family of the deceased will be made tactfully and in person, if possible. Efforts should be made to have a friend or neighbor present when making such notification.*

14. Prepare **COMPLAINT REPORT WORKSHEET (PD313-152A)**.
15. Enter all facts in digital **Activity Log** including
    a. Identity and complete description of deceased person and clothing worn
    b. Name of doctor, paramedic or E.M.T. who made death pronouncement
    c. Name, address and identification of person to whom body was released.
16. Safeguard body and effects until instructions are received from patrol supervisor
17. Deliver receipt for body and death certificate to desk officer.

**PATROL SUPERVISOR**

18. Ascertain that precinct detective squad, Crime Scene Unit and Operations Unit have been notified, when necessary.

***NOTE*** *An immediate telephone notification to the Operations Unit of all unusual incidents involving a homicide or suspicious death is required. The initial notification will include the preliminary facts and circumstances. However, subsequent notifications should be made as additional information becomes available or developments occur during the course of the incident or investigation.*

19. Have body and premises searched in the presence of witnesses, when possible, if deceased resided alone or died at a location other than residence.

***NOTE*** *A police officer of either sex may search a dead body.*

**PATROL SUPERVISOR (continued)**

20. Direct member searching body to safeguard property.
21. Examine reporting officer's digital **Activity Log** entries and certify accuracy by signing rank and name.
22. Make appropriate digital **Activity Log** entry.

**DESK OFFICER**

23. Direct command clerk to prepare **COMPLAINT REPORT (PD313-152)** from **COMPLAINT REPORT WORKSHEET**, by entering information in OMNIFORM System.
    a. Ensure serial number is obtained from OMNIFORM System.
24. Close complaint at precinct level when deceased is properly identified, Medical Examiner certifies death as natural, and relatives are present and notified.

***NOTE*** *If deceased remains unidentified or relatives cannot be located, prepare **MISSING/ UNIDENTIFIED PERSONS REPORT (PD336-151)**, enter in OMNIFORM System, obtain a new serial number, and comply with P.G. 216-03, "Unidentified Persons."*

25. Direct officer who discovered body in a homicide case to report to the morgue at 0900 hours, the next day, to identify the body to two Medical Examiners.
    a. Assign officer first on the scene, or another officer who is not on a regular day off, if reporting officer is not available, who can identify the body as the one found or observed at scene.

***NOTE*** *If a person dies as the direct result of a police action, the uniformed member involved in or actually witnessing the incident WILL NOT be assigned to identify the body at the morgue. Another member who can make the identification will be assigned.*

26. Direct officer concerned to arrange for a relative or other person who knew the deceased to be present to identify body in presence of the officer.
27. File receipt for body and death certificate, if received, in the Property Receipt Book.

***ADDITIONAL DATA*** *A body, offensive to public decency, may be removed from a public place. However, if death is suspicious, permission of the Medical Examiner and the assigned detective investigating the incident must be obtained.*

***RELATED PROCEDURES***
*Aided Cases General Procedure (P.G. 216-01)*
*Unidentified Persons (P.G. 216-03)*
*Notifications (P.G. 216-15)*
*Safeguarding Property of Deceased Person (P.G. 218-28)*

***FORMS AND REPORTS***
***AIDED REPORT***
***COMPLAINT REPORT (PD313-152)***
***COMPLAINT REPORT WORKSHEET (PD313-152A)***
***IDENTIFICATION TAG (PD317-091)***
***MISSING/UNIDENTIFIED PERSONS REPORT (PD336-151)***
***Police Accident Report (MV104AN)***

**PURPOSE** To execute a Mental Health Removal Order and safeguard a mentally ill or emotionally disturbed person who does not voluntarily seek psychiatric/medical assistance.

**PROCEDURE** When a Mental Health Removal Order is received from the Commissioner, Department of Health and Mental Hygiene:

**DESK OFFICER**

1. Review Removal Order to verify validity (see *"ADDITIONAL DATA"*).
2. Make a Command Log entry.

***NOTE*** *Await arrival of an assigned city psychiatrist before executing order. If the psychiatrist does not contact the command or respond within one hour, notify Operations Unit.*

3. Have Communications Section assign patrol supervisor, RMP unit, Emergency Service Unit and ambulance to execute the Removal Order.
4. Direct RMP unit to respond to command and transport city psychiatrist to the scene, if necessary.

**PATROL SUPERVISOR**

5. Respond to the scene, assume command and evaluate the condition of the patient.

***NOTE*** *If subject of Removal Order is not present, consider whether a search of immediate area would be fruitful. Contact desk officer for additional instructions concerning return visits, if necessary.*

6. Determine if services of Emergency Service Unit and commanding officer/ duty captain are necessary.
   a. Cancel response of Emergency Service Unit, if not required.
7. Permit city psychiatrist to interview patient to gain cooperation.

***NOTE*** *If patient will not cooperate and refuses to go to hospital voluntarily, request response of commanding officer/duty captain.*

8. Comply with provisions of *P.G. 221-13, "Mentally Ill or Emotionally Disturbed Persons."*
9. Assign uniformed member of the service to escort patient to the hospital, if necessary, and remain until patient examined at Psychiatric Emergency Room.
10. Notify desk officer upon completion of removal.

**UNIFORMED MEMBER OF THE SERVICE**

11. Deliver copy of Removal Order to admitting psychiatrist at hospital.
    a. Comply with *P.G. 216-07, "Firearm Safety Stations at Psychiatric Wards and Admitting Areas."*
12. Enter details in digital **Activity Log** and prepare **AIDED REPORT**.
    a. Indicate "Mental Health Removal Order," name of responding city psychiatrist and name of admitting psychiatrist under "Details" on **AIDED REPORT**.
13. Submit **AIDED REPORT** to desk officer.

**DESK OFFICER**

14. Enter completion time and aided number in margin opposite original Command Log entry.
15. Notify Operations Unit of disposition.

***ADDITIONAL DATA***

***SAMPLE MENTAL HEALTH REMOVAL ORDER***

**Department of Mental Health**
**Mental Retardation and Alcoholism Services**

**To:** **Commanding Officer, _____ Precinct**

**From:** **Commissioner, Department of Health and Mental Hygiene**

**Subject:** **REMOVAL OF (NAME) TO (HOSPITAL), PSYCHIATRIC EMERGENCY ROOM, (ADDRESS)**

**Pursuant to Section 9.45 of the State Mental Hygiene Law, you are hereby directed to remove (NAME) to the (HOSPITAL), Psychiatric Emergency Room, for an examination to determine whether (NAME) should be hospitalized in accordance with Section 9.39 of the Mental Hygiene Law.**

**(NAME), presently resides at (ADDRESS) with (FAMILY/FRIENDS). He/she is (AGE) and in (PHYSICAL CONDITION).**

**This directive is based on information provided in conversation between my staff and (FAMILY MEMBERS/SOCIAL WORKER ETC.), and is further based on (NO.) psychiatric evaluations of (NAME) by (DR.'S NAME), a physician licensed to practice medicine in the State of New York. It is (DR.'s NAME) opinion that (NAME) has a mental illness for which observation, care and treatment in a hospital is appropriate.**

**Based on the information provided to me that (NAME) has a mental illness for which immediate care and treatment in a psychiatric hospital is appropriate, it is my judgement that (NAME) should be removed to (HOSPITAL), Psychiatric Emergency Room, for an examination to determine whether he/she should be hospitalized pursuant to Section 9.39 of the Mental Hygiene Law.**

**This directive is valid through (DATE). If (NAME) is not at home, the police are directed to make repeated visits until this order can be carried out.**

**Please notify me of the disposition of this case.**

**Commissioner**

***ADDITIONAL DATA (continued)***

*Mental Health Removal Orders include an expiration date. If the subject is not present on the first visit, desk officers should notify their reliefs and arrange for repeated visits until the expiration date, as necessary. Each visit should be documented with an appropriate Command Log entry, and cross-referenced to the original entry. Upon expiration, notify Operations Unit of efforts made to locate mentally ill or emotionally disturbed person and file copy of Removal Order at the command.*

***RELATED PROCEDURES***

*Aided Cases General Procedure (P.G. 216-01)*
*Mentally Ill or Emotionally Disturbed Persons (P.G. 221-13)*
*Unlawful Evictions (P.G. 214-12)*

***FORMS AND REPORTS***

***AIDED REPORT***

NYPD

# PATROL GUIDE

| Section: Aided Cases | | Procedure No: 216-07 | |
|---|---|---|---|
| **FIREARM SAFETY STATIONS AT PSYCHIATRIC WARDS AND ADMITTING AREAS** | | | |
| DATE ISSUED: 07/01/20 | DATE EFFECTIVE: 07/01/20 | REVISION NUMBER: | PAGE: 1 of 2 |

**PURPOSE** To utilize firearms safety stations, when available, for the safe unloading and reloading of firearms at psychiatric wards or psychiatric admitting areas of city hospitals.

**PROCEDURE** Upon entering a hospital psychiatric ward or psychiatric admitting area of a city hospital:

**UNIFORMED MEMBER OF THE SERVICE**

1. Escort mentally ill or emotionally disturbed person to designated patient waiting area.
2. Sign in and complete entries under captions in Psychiatric Admitting Log maintained by hospital security police.
3. Proceed to designated firearms safety station, when available, and unload firearm(s).
   a. Replace unloaded firearm(s) in holster and put loose ammunition, and/or magazine containing ammunition, into pocket.
4. Confer with psychiatric admitting staff and provide necessary information.
5. Safeguard patient at hospital until examined by a psychiatrist.

***NOTE*** *If the psychiatrist refers a patient to the hospital emergency room for medical evaluation and clearance, a uniformed member shall reload firearm(s) at the firearms safety station before leaving the psychiatric admitting area, and unload upon return. A member unloading/reloading a firearm will make interim entries in "Remarks" column of the Psychiatric Admitting Log.*

6. Inform psychiatrist of circumstances which brought patient into police custody.

***NOTE*** *Inform relieving uniformed member of circumstances regarding aided, if safeguarding extends beyond expiration of tour. Relieving uniformed member will comply with sign-in and firearms unloading procedures in addition to informing psychiatrist of circumstances regarding aided.*

7. Enter details in digital **Activity Log** and prepare **AIDED REPORT**.
   a. Indicate on **AIDED REPORT**, name of psychiatrist and admission number, when appropriate.
8. Proceed to designated firearms safety station location and reload firearm(s) prior to leaving hospital facility.
9. Complete "time-out" entry in Psychiatric Admitting Log.
10. Submit **AIDED REPORT** to desk officer.

***ADDITIONAL DATA*** *Patrol supervisors/integrity control officers shall comply with unloading procedures and make a visit entry in the Psychiatric Admitting Log when supervising activities of subordinates.*

*When a mentally ill or emotionally disturbed prisoner is escorted to a Department of Correction Forensic Psychiatry Ward, uniformed members will comply with the regulations of the Department of Correction regarding unloading and safeguarding firearms.*

***ADDITIONAL DATA (continued)***

*The following Health and Hospitals Corporation facilities are designated for emergency admission, care and treatment of mentally ill and emotionally disturbed persons:*

*HOSPITAL*

*Bellevue Hospital Center*
*Bronx Municipal Hospital Center*
*City Hospital Center at Elmhurst*
*Coney Island Hospital*
*Harlem Hospital Center*
*Kings County Hospital Center*
*Lincoln Hospital*
*Metropolitan Hospital Center*
*North Central Bronx Hospital*
*Queens Hospital Center*
*Woodhull Hospital*

***RELATED PROCEDURES***

*Aided Cases General Procedure (P.G. 216-01)*
*Mentally Ill or Emotionally Disturbed Persons (P.G. 221-13)*

***FORMS AND REPORTS***

***AIDED REPORT***

NYPD

| Section: Aided Cases | | Procedure No: 216-08 | |
|---|---|---|---|
| **PERSONS OVERCOME BY GAS, DRUGS, OR OTHER POISONOUS SUBSTANCES** | | | |
| DATE ISSUED: 07/01/20 | DATE EFFECTIVE: 07/01/20 | REVISION NUMBER: | PAGE: 1 of 2 |

**PURPOSE** To secure special assistance and obtain samples of poisonous substances in appropriate cases.

**PROCEDURE** When it appears that aided person is suffering from ingestion of drugs, a poisonous substance or inhalation of gas:

**UNIFORMED MEMBER OF THE SERVICE**

1. Call an ambulance.
2. Request Emergency Service Unit, if oxygen required.
3. Give ambulance attendant information regarding the nature of the poisoning.
4. Permit doctor or attendant to take the substance, prescription or container, if not required as evidence.
   a. If evidence, give sample to doctor or attendant and deliver remainder of substance to the desk officer or detective assigned.
5. Notify, and make samples available to, the Poison Control Center of the Health Department, if required.
6. Obtain a receipt for such materials.
7. Make digital **Activity Log** entry of facts and time required notifications were made.
8. Prepare **AIDED REPORT**.
9. Prepare **COMPLAINT REPORT WORKSHEET (PD313-152A)**, if necessary.

***ADDITIONAL DATA*** *The desk officer will notify the Operations Unit in poisoned or infected food cases, or in wood or denatured alcohol poisoning cases.*

***ADDITIONAL GUIDELINES FOR PROCESSING CONTAMINATED FOOD OR DRUG SAMPLES:***

*a. Cases of spoiled or biologically contaminated foods served in restaurants or other locations where food may be obtained will be referred to the Department of Health, Food Poisoning Investigation Unit which will determine the proper course of action to be taken.*

*b. Person treated at a hospital for apparent poisoning - if sample of suspected substance is available, the sample will be taken directly to Department of Health Laboratories, 455 First Avenue, Manhattan, with* ***REQUEST FOR LABORATORY EXAMINATION REPORT (PD521-168)*** *attached.*

*(1) If a food product is involved, immediately notify Department of Health, Food Poisoning Investigation Unit.*

*c. When pattern emerges concerning several separate incidents of suspected poisoning that occurred under similar circumstances, the Poison Control Center will be notified and the uniformed member of the service will comply with instructions received.*

*d. The mass removal of a potentially dangerous product that must be removed from retail shelves will be handled on a case by case basis. Under no circumstances will items be removed from a retail establishment and brought to a precinct stationhouse/command before consultation with concerned city, state and federal agencies via the Operations Unit.*

***ADDITIONAL DATA (continued)***

*e. Samples of evidence in cases having potential criminal sanctions and not covered in any of the above categories will be delivered to the Police Laboratory with* ***REQUEST FOR LABORATORY EXAMINATION*** *attached. Materials not classified as evidence in an investigation will be invoiced and forwarded to the Property Clerk for safekeeping in appropriate cases.*

*f. Substances delivered to a member of the service by a citizen for analysis will not be accepted if there is no allegation of danger to public health or of specific criminal activity. The complainant will be notified that in civil negligence cases, private laboratories conduct such analysis. When an item is a sealed food product, the Food Poisoning Investigation Unit will be notified for follow-up at point of purchase.*

***FORMS AND REPORTS***

***AIDED REPORT***
***COMPLAINT REPORT (PD313-152)***
***REQUEST FOR LABORATORY EXAMINATION REPORT (PD521-168)***

NYPD

# PATROL GUIDE

| Section: Aided Cases | | Procedure No: 216-09 | |
|---|---|---|---|
| **ANIMAL BITES** | | | |
| DATE ISSUED: 10/18/16 | DATE EFFECTIVE: 10/18/16 | REVISION NUMBER: | PAGE: 1 of 3 |

**PURPOSE** To notify the New York City Department of Health and Mental Hygiene of human exposure to a rabid animal, an animal suspected of being rabid, and/or an animal that has bitten, scratched, or abraded a human being and to provide for the observation of the animal involved.

**DEFINITION** HUMAN EXPOSURE TO RABIES: A bite or a scratch from a rabid animal, an animal suspected of being rabid or contamination of an open or fresh wound (i.e., having bled within the last twenty-four hours) or mucous membranes (e.g., eyes, nose, mouth, etc.) with infectious material (e.g., saliva, nervous tissue, etc.) from a rabid animal or an animal suspected of being rabid.

**PROCEDURE** Upon responding to a complaint which concerns exposure to a rabid or suspect-rabid animal and/or an animal that has bitten, scratched, or abraded a human being, follow normal aided case procedures and in addition:

**UNIFORMED MEMBER OF THE SERVICE**

1. Render reasonable aid and prepare **AIDED REPORT**, if applicable.
2. Comply with *P.G. 219-17, "Use of Patrol Kits."*
3. Advise person concerned to thoroughly wash affected area with soap and water, and to seek medical attention as quickly as possible (even if the injury or exposure is not serious).
4. Ascertain owner of animal.
   a. Obtain description of animal and attempt to locate for examination.
   b. If animal is located comply with *P.G. 214-33, "Care and Disposition of Animals."*
5. Prepare **DANGEROUS ANIMAL/BITE REPORT (PD311-152)** in all instances in which responding to or becoming apprised of an incident involving an animal bite and/or dangerous animal and include the ICAD Incident number on form.
   a. If the animal is gone upon arrival at the scene, a **DANGEROUS ANIMAL/BITE REPORT** must still be prepared, regardless of whether or not a person has been injured by the animal.
6. Deliver **DANGEROUS ANIMAL/BITE REPORT** and submit **AIDED REPORT**, if prepared, to desk officer.

***NOTE*** *The Department of Health and Mental Hygiene, Animal Bite Unit can be notified from 0900 to 1700 hours, Monday through Friday. After hours, the Poison Control Center of the Department of Health and Mental Hygiene must be notified.*

**DESK OFFICER**

7. Review and approve **AIDED REPORT**, if applicable.
8. Process **AIDED REPORT** in accordance with *P.G. 216-02, "Preparation of Aided Report."*
9. Review and sign **DANGEROUS ANIMAL/BITE REPORT** and distribute as delineated on form.

**DESK OFFICER (continued)**

10. Notify Department of Health and Mental Hygiene by telephone of an animal that has bitten, scratched, or abraded a human being and/or of human exposure to a rabid animal or of an animal suspected of being rabid.
11. Forward the Department of Health and Mental Hygiene copy of **DANGEROUS ANIMAL/BITE REPORT** via the Mail and Distribution Unit.
12. Notify Department of Health and Mental Hygiene by telephone if animal or owner is located after **DANGEROUS ANIMAL/BITE REPORT** has been forwarded.
    a. Ensure that all supplementary information is recorded on **AIDED REPORT** and entered in the Finest Online Records Management System.
13. File command copy of all **DANGEROUS ANIMAL/BITE REPORTS**.

***ADDITIONAL DATA***

*Snakebite cases require a notification to the Poison Control Center of the Department of Health and Mental Hygiene. Enter notification on **AIDED REPORT**.*

*In other than animal bite, injury, or exposure cases, a member of the service is required to notify the Department of Health and Mental Hygiene, Bureau of Communicable Disease by telephone of any animal of which he/she has knowledge that is rabid, or is suspected of being rabid, or of any animal which has been bitten by, come in contact with, or kept together with a rabid animal. The member must complete the **DANGEROUS ANIMAL/BITE REPORT** and deliver the **DANGEROUS ANIMAL /BITE REPORT** to the desk officer to be reviewed and distributed as delineated on the form. Forward Department of Health and Mental Hygiene copy of **DANGEROUS ANIMAL/BITE REPORT**, via the Mail and Distribution Unit.*

*For cases involving rabies, the Department of Health and Mental Hygiene, Bureau of Communicable Disease can be notified from 0900 to 1700 hours, Monday through Friday. After hours, the Poison Control Center of the Department of Health and Mental Hygiene must be notified.*

*Raccoons are primarily nocturnal animals; any raccoon seen active during the daytime should be considered rabid until proven otherwise. Any raccoon acting friendly or aggressively should be considered rabid.*

*P.G. 214-33, "Care and Disposition of Animals," will be complied with whenever an animal is located. All parties will be removed from the immediate vicinity of the animal. The location of the animal, if not contained, will be monitored and the Emergency Services Unit or the Animal Care and Control of New York City (A.C. & C.) will be contacted for assistance regarding the animal's capture and removal. Uniformed members of the service shall not discharge their firearms at a dog or other animal except to protect themselves or another person from physical injury and there is no other reasonable means to eliminate the threat. When a suspected rabid animal is captured, A.C. & C. of New York City must be notified of the location of capture, the primary reason the police were called, and the names and addresses of all persons and animals that were potentially exposed to the suspected rabid animal.*

| | |
|---|---|
| ***RELATED PROCEDURES*** | *Exposure of Members of the Service to Infectious Diseases or Hazardous Materials (P.G. 205-10)*<br>*Care and Disposition of Animals (P.G. 214-33)*<br>*Preparation of Aided Report (P.G. 216-02)*<br>*Use of Patrol Kits (P.G. 219-17)* |
| ***FORMS AND REPORTS*** | ***AIDED REPORT***<br>***DANGEROUS ANIMAL/BITE REPORT (PD311-152)*** |

NYPD

| Section: Aided Cases | | Procedure No: 216-10 | |
|---|---|---|---|
| **TAXICAB DRIVERS** | | | |
| DATE ISSUED: 08/01/13 | DATE EFFECTIVE: 08/01/13 | REVISION NUMBER: | PAGE: 1 of 1 |

**PURPOSE** To report certain aided cases involving taxicab drivers to the New York City Taxi and Limousine Commission.

**PROCEDURE** Upon responding to an incident in which a taxicab is involved and it is apparent that the taxi driver has epilepsy, vertigo, heart disease or other condition making him/her unfit to operate a taxi:

**UNIFORMED MEMBER OF THE SERVICE**

1. Follow normal aided case procedures.
2. Obtain driver's credentials and give **RECEIPT FOR CREDENTIALS (PD616-011)**.

**DESK OFFICER**

3. Forward credentials and facts of the aided case on **REPORT OF VIOLATION (PD672-151)** to New York City Taxi and Limousine Commission.
4. Note on **REPORT OF VIOLATION** if unable to obtain credentials.

***FORMS AND REPORTS***

***RECEIPT FOR CREDENTIALS (PD616-011)***
***REPORT OF VIOLATION (PD672-151)***

NYPD

# PATROL GUIDE

| Section: Aided Cases | | Procedure No: 216-11 | |
|---|---|---|---|
| **COMMUNICABLE DISEASE** | | | |
| DATE ISSUED: 08/01/13 | DATE EFFECTIVE: 08/01/13 | REVISION NUMBER: | PAGE: 1 of 1 |

**PURPOSE** To assist in the orderly removal of a person with a communicable disease.

**DEFINITION** COMMUNICABLE DISEASE - an infectious disease capable of being passed to another by direct contact with an infected individual or his/her discharges.

**PROCEDURE** When advised by the Department of Health that a person with a communicable disease is to be removed to a hospital:

**DESK OFFICER**

1. Assign a uniformed member of the service to assist in the removal of patient.

**UNIFORMED MEMBER OF THE SERVICE**

2. Comply with the pertinent provisions of *P.G. 205-10, "Exposure of Members of the Service to Infectious Diseases or Hazardous Materials."*
3. Accompany patient to the hospital when requested by the hospital attendant or physician.

***ADDITIONAL DATA***

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

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

*Members of the service who are exposed to a communicable disease should follow the provisions of P.G. 205-10, "Exposure of Members of the Service to Infectious Diseases or Hazardous Materials."*

***RELATED PROCEDURES***

*Reporting Sick From Outside City And Outside Residence Counties (P.G. 205-02)*
*Exposure of Members of the Service to Infectious Diseases or Hazardous Materials (P.G. 205-10)*
*Prisoners General Procedure (P.G. 210-01)*
*Aided Cases General Procedure (P.G. 216-01)*

***FORMS AND REPORTS***

***MEDICAL TREATMENT OF PRISONER (PD244-150)***

**PURPOSE** To report and record line of duty injuries and deaths of auxiliary police officers.

**DEFINITIONS** For the purpose of this procedure, the following definitions will apply:

LINE OF DUTY - An incident that occurred while a member was on duty. Auxiliary police officers are considered ON DUTY after they "sign-in" on the **Auxiliary Police Roll Call (APS #10)** until they sign out at the end of their tour. Line of duty designation will NOT be given for any off duty incidents.

INVESTIGATING SUPERVISOR

a. The lieutenant platoon commander, precinct of occurrence, if available, will act as investigating supervisor.
b. A patrol supervisor, precinct of occurrence will act as the investigating supervisor, if the lieutenant platoon commander is unavailable.
c. The precinct commanding officer/executive officer/duty captain will be the investigating supervisor, if the injured auxiliary police officer sustains a serious physical injury, is likely to die, or dies.

**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, and
   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, and/or
   b. Further police action is necessary.

***NOTE*** *If injury is the result of a reportable use of force incident, P.G. 221-03, "Reporting and Investigation of Force Incident or Injury to Persons During Police Action," and P.G. 221-06, "Member of the Service Subjected to Force While Performing Lawful Duty" will be complied with.*

**PATROL SUPERVISOR**

4. Respond to scene.
5. Interview auxiliary police officer.
   a. If removed to a hospital, obtain name of hospital, attendant, and doctor.
6. Have auxiliary police officer prepare, in own handwriting, if possible, two copies of **Employee's Notice of Injury (Law Department Form WCD 23)**.
   a. If member is unable to do so, the patrol supervisor will prepare and submit report to the commanding officer, precinct of occurrence.
7. Request witnesses to await arrival of investigating supervisor, if necessary.

**PATROL SUPERVISOR (continued)**

8. Obtain and safeguard shield, identification card, portable radio and personal property of auxiliary police officer, if hospitalized.
9. Report circumstances to desk officer.
10. Prepare **Police Accident Report (MV104AN)**, if vehicle collision involved.
11. Have **AIDED REPORT** prepared, if a vehicle is not involved.

**DESK OFFICER**

12. Notify investigating supervisor as indicated in 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 results of investigation in Command Log, indicating whether injury was sustained in line of duty.

**INVESTIGATING SUPERVISOR**

18. Interview injured auxiliary police officer and investigate circumstances.
19. Notify Operations Unit, promptly, if injured member of the service requires hospital treatment.
    a. An additional notification to Operations Unit is required, before final reports are prepared, to update Operations Unit of the status of injured member of the service.

***NOTE***

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

20. Make initial report to desk officer without delay.
21. Prepare **THREAT, RESISTANCE OR INJURY (T.R.I.) INCIDENT REPORT**, as appropriate.
22. Interview witnesses and request that they prepare and sign **WITNESS STATEMENT - INJURY TO MEMBER OF THE DEPARTMENT (PD429-065)**.
23. Prepare report on **Typed Letterhead** or **UNUSUAL OCCURRENCE REPORT (PD370-152)**, and forward to precinct commander.

**COMMANDING OFFICER AUXILIARY POLICE SECTION**

24. Designate supervisory member of the unit to respond and assist the precinct commanding officer/executive officer/duty captain, if injured auxiliary police officer dies or is likely to die.

**AUX. POLICE COORDINATOR PRECINCT OF OCCURRENCE**

25. Prepare **THREAT, RESISTANCE OR INJURY (T.R.I.) INTERACTION REPORT** in accordance with *P.G. 221-06, "Member of the Service Subjected to Force While Performing Lawful Duty,"* for each auxiliary member who is injured as a result of force used against them.

**AUX. POLICE COORDINATOR PRECINCT OF OCCURRENCE (continued)**

26. Ensure all required reports and forms are forwarded to Auxiliary Police Section within ten days, including any copies of **UNUSUAL OCCURRENCE REPORTS**.

**COMMANDING OFFICER/ EXECUTIVE OFFICER/ DUTY CAPTAIN**

27. 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).
28. Forward two copies of **Employee's Notice of Injury** and **WITNESS STATEMENT - INJURY TO MEMBER OF DEPARTMENT**, if any, to Commanding Officer, Auxiliary Police Section.

***ADDITIONAL DATA***

*In line of duty cases where an auxiliary police officer dies or is likely to die, the command auxiliary police coordinator where member is assigned shall maintain liaison with the Patrol Borough Auxiliary Police Section. In the absence of the command coordinator, the precinct commanding officer will designate an alternate uniformed member of the service who will perform this function.*

***RELATED PROCEDURES***

*Aided Cases General Procedure (P.G. 216-01)*
*Department Vehicle Collisions (P.G. 217-06)*
*Unusual Occurrence Reports (P.G. 212-09)*
*Reporting and Investigation of Force Incident or Injury to Persons During Police Action (P.G. 221-03)*
*Member of the Service Subjected to Force While Performing Lawful Duty (P.G. 221-06)*

***FORMS AND REPORTS***

***AIDED REPORT***
***UNUSUAL OCCURRENCE REPORT (PD370-152)***
***WITNESS STATEMENT-INJURY TO MEMBER OF THE DEPARTMENT (PD429-065)***
***THREAT, RESISTANCE OR INJURY (T.R.I.) INCIDENT REPORT***
***THREAT, RESISTANCE OR INJURY (T.R.I.) INTERACTION REPORT***
***Auxiliary Police Roll Call (APS #10)***
***Employee's Notice of Injury (Law Department Form WCD 23)***
***Police Accident Report (MV104AN)***
***Typed Letterhead***

**PURPOSE** To maintain a record of a school crossing guard injured while performing duty.

**PROCEDURE** When a school crossing guard is injured in the line of duty, follow normal aided case procedures and:

**UNIFORMED MEMBER OF THE SERVICE**

1. Request patrol supervisor to respond.

**PATROL SUPERVISOR**

2. Investigate circumstances.
3. Interview the school crossing guard.
   a. Obtain name of hospital, attendant and doctor, if removed to a hospital.
4. Notify the Operations Unit promptly, if the member of the service injured requires hospital treatment.
   a. An additional notification to the Operations Unit is also required before final reports are prepared to update Operations of the status of the injured member of the service.

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

5. Have school crossing guard prepare, in own handwriting, if possible, two copies of **Employee's Notice of Injury (Law Department Form WCD 23)** and submit to commanding officer of precinct of occurrence.
6. Interview the witnesses and request them to prepare **WITNESS STATEMENT - INJURY TO MEMBER OF DEPARTMENT (PD429-065)**.
7. Direct uniformed member of the service to prepare **Police Accident Report (MV104AN)**, if vehicle is involved, OR **AIDED REPORT** in all other cases.
8. Report circumstances to the desk officer.

**DESK OFFICER**

9. Make Command Log entry regarding circumstances of incident and results of investigation.
10. Notify Employee Resources Section, Civilian Employee Services Unit during next business day and Operations Unit within twenty-four hours.
11. Prepare **Typed Letterhead** explaining circumstances and deliver to commanding officer with a copy of Command Log entry attached.

**COMMANDING OFFICER**

12. Forward two copies of the **Typed Letterhead** with the two copies of the **Employee's Notice of Injury** and the **WITNESS STATEMENT - INJURY TO MEMBER OF THE DEPARTMENT**, if any, to Employee Resources Section (Attention: Civilian Employee Services Unit).

**COMMANDING OFFICER (continued)**

13. Keep school crossing guard on payroll, without pay, from time of injury until return to duty, and cause **Election of Rate of Change Against Annual and/or Sick Leave Balances** form to be prepared.
14. Notify Employee Resources Section, Civilian Employee Services Unit when school crossing guard returns to duty and every subsequent time that the guard reports sick and returns to duty as a result of the injury.
15. Direct that **Supervisor's Report of Injury (Law Department Form 201)** be prepared within forty-eight hours after occurrence.
16. Direct that **Report to Employee Benefits Unit (Form E)** be prepared.

***RELATED PROCEDURES***

*Aided Cases General Procedure (P.G. 216-01)*
*Vehicle Collisions - General Procedure (P.G. 217-01)*
*Civilian Member - Injury (A.G. 319-15)*

***FORMS AND REPORTS***

***AIDED REPORT***
***WITNESS STATEMENT- INJURY TO MEMBER OF DEPARTMENT (PD429-065)***
***Election of Rate of Change Against Annual and/or Sick Leave Balances Form***
***Employee's Notice of Injury (Law Dept. Form WCD 23)***
***Police Accident Report (MV104AN)***
***Report to Employee Benefits Unit (Form E)***
***Supervisor's Report of Injury (Law Dept. Form 201)***
***Typed Letterhead***

NYPD

# PATROL GUIDE

| Section: Aided Cases | | Procedure No: 216-14 | |
|---|---|---|---|
| **AIDED CASES ON NEW YORK CITY TRANSIT TRAINS** | | | |
| DATE ISSUED: 10/18/16 | DATE EFFECTIVE: 10/18/16 | REVISION NUMBER: | PAGE: 1 of 1 |

**PURPOSE** To provide procedures for the handling of aided cases occurring on trains.

**PROCEDURE** Upon arriving at the scene of a sick or injured passenger on a train:

**UNIFORMED MEMBER OF THE SERVICE**

1. Ascertain the condition of the aided, e.g., unconscious, pregnant, epileptic, intoxicated, bleeding, etc.
2. Transmit this information, immediately, via the radio dispatcher.
3. Remove aided from train, if feasible, unless it is not advisable to move the aided due to the nature of his or her illness or injury.
   a. Seek assistance of train crew or passengers, if necessary.

***NOTE*** *Where removal from the train is not feasible, due to lack of adequate assistance, the radio dispatcher and the New York City Transit Command Center will coordinate a point along the train route where the train will be moved to and have adequate assistance dispatched to that location.*

*Where removal from the train or movement of the train is not feasible due to the serious condition of the aided, medical and other assistance shall be dispatched to the scene immediately. If it is subsequently determined that the aided can be moved, the aided shall be removed from the train and train service will continue.*

4. Keep the radio dispatcher informed of pertinent developments.
5. Avoid unnecessary interruptions of train service.

***NOTE*** *Unnecessary interruption of train service can inconvenience thousands of passengers and endanger public welfare. In addition, unnecessary interruptions can increase temperatures significantly in trains and stations, and may cause panic on crowded trains stopped in tunnels. Service will be interrupted only when absolutely necessary.*

6. Notify passengers of delay in service and alternate routes, when possible.
7. Prepare **AIDED REPORT**.

**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 (P.G. 216-02)*
*Dead Human Body General Procedure (P.G. 216-04)*

***FORMS AND REPORTS*** ***AIDED REPORT***

| Section: Aided Cases | | Procedure No: 216-15 | |
|---|---|---|---|
| **NOTIFICATIONS** | | | |
| DATE ISSUED: 10/18/16 | DATE EFFECTIVE: 10/18/16 | REVISION NUMBER: | PAGE: 1 of 2 |

**PURPOSE** To ensure that relatives or friends are notified, where necessary, in aided and collision cases.

**PROCEDURE** When it is necessary to notify relatives/friends of a deceased, injured or sick person:

**DESK OFFICER** 1. Direct notifications be made by telephone, if possible.

***NOTE*** *Make notifications tactfully and in person, if possible, when aided/collision victim is deceased or seriously injured and likely to die. Efforts should be made to have a relative, friend or neighbor present.*

*In cases where a death has occurred or the person is seriously injured and likely to die, the desk officer will ensure that a notification is made in a timely manner and document the time and date of the notification as well as the name of member making notification under caption "Notification" on the* ***AIDED REPORT*** *or under caption "NOTIFICATIONS" on the* ***Police Accident Report (MV104AN)****.*

2. Have notifications made as follows, if telephone notification not possible:
   a. Relatives or friends residing within precinct of occurrence, notification will be made by member assigned to precinct.
   b. Relatives or friends residing outside precinct but within New York City, notification will be made by member assigned to resident precinct.
   c. Relatives or friends residing outside New York City, make notification through Inter-City Correspondence Unit. If notification cannot be made within a reasonable amount of time, prepare **MISSING/UNIDENTIFIED PERSON REPORT (PD336-151)** and comply with pertinent provisions of *P.G. 216-03, "Unidentified Persons."*
   d. DO NOT NOTIFY relative or friend of firefighter killed or injured at scene of fire without permission of the fire officer in charge.
   e. DO NOT NOTIFY relative or friend of an inmate who dies in a Department of Correction Facility UNLESS requested to do so by the Correction supervisor in charge.
   f. The assigned detective will make notification to relative or friends of a homicide victim.
3. Comply with the following special notification procedures:
   a. Aided killed/injured on MTA bus - Desk officer will notify NYC Transit.
   b. Aided killed/injured on scaffold - Desk officer will notify the Department of Buildings.
   c. Aided killed/injured at construction site - Desk officer will notify the Operations Unit.
   d. Aided killed/injured on Parks Department property - Desk officer will notify the Operations Unit.

**DESK OFFICER (continued)**

e. Aided killed/injured in a factory or store - Desk officer will notify the Operations Unit.

***NOTE*** *In all other cases notifications will be made even though other authorities (hospital, etc.) indicate they have already made the notification.*

**MEMBER OF THE SERVICE**

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** or **Police Accident Report (MV104AN)**, as appropriate.
   a. Under "Details" on the rear of the **AIDED REPORT** 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. If notification cannot be made, electronically save **AIDED REPORT** and notify desk officer.

**DESK OFFICER**

6. Review and sign **AIDED REPORT** and process in accordance with *P.G. 216-02, "Preparation of Aided Report."*
7. Print and retain duplicate copy of **AIDED REPORT** at the desk, if required notifications have not been made.
   a. Mark "Supplementary" on face of duplicate **AIDED REPORT**.
8. Enter notification, once obtained, into the Finest Online Records Management System (FORMS) and file "Supplementary" **AIDED REPORT** at command.
9. Enter name of detective making notification on **AIDED REPORT** when subject is a homicide victim.
10. Ensure appropriate notifications are made once aided information is inputted into FORMS.

***RELATED PROCEDURES***

*Aided Cases General Procedure (P.G. 216-01)*
*Preparation of Aided Report (P.G. 216-02)*
*Unidentified Persons (P.G. 216-03)*

***FORMS AND REPORTS***

***AIDED REPORT***
***MISSING/UNIDENTIFIED PERSON REPORT (PD336-151)***
***Police Accident Report (MV104AN)***

# PATROL GUIDE

| Section: Aided Cases | | Procedure No: 216-16 | |
|---|---|---|---|
| **SUSPICIOUS DEATH OR SUICIDE IN DEPARTMENT OF CORRECTION FACILITY** | | | |
| DATE ISSUED: 10/18/16 | DATE EFFECTIVE: 10/18/16 | REVISION NUMBER: | PAGE: 1 of 1 |

**PURPOSE** To investigate suspicious deaths or suicides in Correction Department facilities.

**PROCEDURE** When notified by Department of Correction of a suspicious death or suicide in a Department of Correction facility:

**DESK OFFICER**

1. Notify:
   a. Precinct detective squad
      1. If detective squad member not available, notify detective borough command concerned.
   b. Commanding officer/duty captain
   c. Patrol borough
   d. Internal Affairs Bureau (obtain log number)
   e. Operations Unit

***NOTE*** *Uniformed member of the service assigned to duty in uniform will NOT respond to Correction facility.*

2. Direct preparation of **AIDED REPORT**.
   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**.
   b. Make follow-up call if Medical Examiner does not respond within one hour.
   c. Obtain Medical Examiner case number for entry on **AIDED REPORT**.

***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** 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***
***COMPLAINT REPORT (PD313-152)***

| Section: Aided Cases | | Procedure No: 216-17 | |
|---|---|---|---|
| **INVOLUNTARY REMOVALS PURSUANT TO MENTAL HYGIENE LAW SECTION 9.60** | | | |
| DATE ISSUED: 10/01/20 | DATE EFFECTIVE: 10/01/20 | REVISION NUMBER: | PAGE: 1 of 6 |

**PURPOSE** To execute a Court mandated or a Mental Hygiene Law (MHL) Section 9.60, (Kendra's Law) Order and safely remove a mentally ill or emotionally disturbed person to a psychiatric/medical facility.

**DEFINITION** ASSISTED OUTPATIENT TREATMENT COORDINATING TEAM (AOT) - Groups of two or more licensed mental health clinicians designated by the New York City Department of Health and Mental Hygiene. These teams will notify the NYPD Operations Unit by telephone of any pending Kendra's Law Removal Order, fax the Order to the Operations Unit, and then send a clinician(s) to the command concerned to assist in the removal of the subject. Presently, four AOTs exist city-wide; they will provide coverage for all patrol boroughs (see "Additional Data" for locations.)

**PROCEDURE** When a Mental Hygiene Law (MHL) Section 9.60 (Kendra's Law) Removal Order is received at a Patrol Services/Housing Bureau command:

**OPERATIONS UNIT PERSONNEL**

1. Upon receipt of a Kendra's Law/Court Removal Order from an AOT:
   a. Review Removal Order for validity (see Appendices "A"&"B").
   b. Enter in the Command Log the name of the AOT clinician making notification and the pedigree information of the subject.
2. Notify by telephone and fax a copy of the Removal Order to:
   a. The appropriate patrol borough command/Housing Bureau Wheel.
   b. Advise that a removal is to be effected.
   c. Indicate all information pertinent to the removal, including the clinician's estimated time of arrival.

**PATROL BOROUGH/ HOUSING BUREAU PERSONNEL**

3. Notify the appropriate precinct/police service area (PSA) in the same manner as indicated in step 2.

**DESK OFFICER**

4. Review the Removal Order to determine if it is:
   a. Court mandated removal of patient to a hospital (see Appendix "A").
   b. Properly prepared and signed Kendra's Law Removal Order (see Appendix "B").

***NOTE*** *Comply with P.G. 216-06, "Mental Health Removal Orders," if Removal Order is other than one listed in step four above.*

*Both the Court mandated and Kendra's Law removals will be handled cooperatively by the New York City Sheriff's Department and the NYPD. The Sheriff's Department will effect all removals between 0900 and 2100 hours, Monday through Thursday, and*

***NOTE (continued)*** *between 0900 and 1700 hours on Fridays, excluding holidays. The NYPD will effect removals at all other times. However, if the Sheriff's Department personnel respond to execute a Kendra's Law removal order and find the subject to be non-cooperative or violent, they will request NYPD assistance. NYPD personnel will take charge at the scene and comply with P.G. 221-13, "Mentally Ill or Emotionally Disturbed Persons."*

**DESK OFFICER**

5. Enter the following information in the Command Log:
   a. Type of Removal Order
   b. Subject's name, race, age, gender, and address
   c. Rank, name, shield and tax registry numbers of uniformed members of the service assigned to execute the Order
   d. Name of assigned clinician (when determined).
6. Request Communications Section to assign patrol supervisor, RMP unit and Emergency Service Unit to execute the Order.
7. Direct RMP unit to respond to the command/PSA and transport clinician to the scene, if necessary.

***NOTE*** *Await arrival of assigned clinician before executing removal. If the clinician does not contact the command/PSA or respond within one hour, notify both the borough command and the Operations Unit.*

**PATROL SUPERVISOR**

8. Respond to the scene and assume command.
9. Request presence of Emergency Medical Service (EMS) if the subject of the removal order is present.

***NOTE*** *If the subject is not present, consider whether a search of the immediate area would be fruitful. When unable to locate subject, have precinct records and Department computerized databases checked to determine if subject has had any interaction with the police (arrested, aided, involved in a collision, etc.) Have precinct detective squad notified for the preparation of an* ***INVESTIGATION CARD (PD373-163)*** *(see ADDITIONAL DATA). Consult with assigned clinician to determine when clinician will return to make additional attempts to execute the removal order. If it is believed that the subject may frequent the transit system, have the appropriate Transit Bureau district notified. Notify desk officer of actions taken and results.*

10. Permit AOT clinician to interview subject to gain cooperation.
11. Determine if services of Emergency Service Unit and commanding officer/duty captain are necessary.
    a. Cancel Emergency Service Unit, if not required.

***NOTE*** *If subject of the removal order will not cooperate, request response of commanding officer/duty captain and comply with provisions of P.G. 221-13, "Mentally Ill or Emotionally Disturbed Persons."*

12. Assign uniformed member of the service to accompany the subject in the ambulance to the psychiatric emergency room of the hospital named on the Removal Order.

***NOTE*** *If no specific hospital is cited in the Removal Order, then the subject will be brought to the closest psychiatric emergency room designated under Section 9.39 of the Mental Hygiene Law (see ADDITIONAL DATA). However, the EMS personnel performing the transport have the authority to bring the subject to a closer or different hospital than that cited if the subject becomes violent, or if they believe the subject's condition requires it.*

**UNIFORMED MEMBER OF THE SERVICE**

13. Remain with the subject throughout medical triage and until examined by hospital psychiatrist.

***NOTE*** *Comply with P.G. 216-07, "Firearm Safety Stations at Psychiatric Wards and Admitting Areas" upon arrival at the psychiatric emergency room of the hospital.*

14. Notify desk officer upon completion of removal.
15. Enter details of transport in digital **Activity Log**.
16. Prepare **AIDED REPORT**.
    a. Enter "MHL Section 9.60 (Kendra's Law) Removal" and name of assigned clinician under "Details" section.
17. Submit **AIDED REPORT** to desk officer.

**DESK OFFICER**

18. Enter completion time and aided number in margin opposite original Command Log entry of incident.
19. Notify patrol borough command/Housing Bureau Wheel and Operations Unit of disposition.

**OPERATIONS UNIT PERSONNEL**

20. Notify the appropriate AOT of case disposition.

***ADDITIONAL DATA***

*HOSPITAL TRANSPORTS*

*If the patient is initially treated in a hospital other than the one cited in the Removal Order and later released, he or she must still be transported to the hospital named in the Order. When the assigned member is informed by hospital staff that the patient is ready to be transported, he/she will notify the desk officer concerned. The desk officer will then request that an EMS ambulance be dispatched to the hospital where the patient is located for a "Kendra's Law" transfer. EMS will transport the patient and the assigned member to the hospital named on the Removal Order.*

*However, if the patient is admitted to the initial hospital, even though it is not the hospital named in the Order, NYPD personnel will no longer be required to accompany the patient. The assigned member will notify the desk officer of the circumstances, and that the patient has been admitted. The borough command and Operations will be notified in turn, as noted above. Operations will notify the appropriate AOT Team of the circumstances, and the AOT Team will seek to have the Removal Order vacated.*

*Sheriff's Department or NYPD personnel may be required to return at a later time to assist in the transport of the subject to another hospital.*

***ADDITIONAL DATA (continued)***

***INVESTIGATION CARD***

*When a precinct detective squad is notified to prepare an **INVESTIGATION CARD** because the subject of a Kendra's Law Removal Order was not found, the member preparing the **CARD** will enter the following under the "Crime/Charge" caption: "Subject of Kendra's Law Order." Under caption "Additional Information/ Characteristics/Peculiarities," enter the following: "To be removed to hospital for psychiatric examination. Contact Operations Unit for further information."*

*MENTAL HEALTH LAW SECTION 9.39, DESIGNATED HOSPITALS*

*BRONX*

*Bronx Lebanon*
*Jacobi*
*Lincoln*
*Montefiore*
*North Central Bronx*
*Our Lady of Mercy*
*St. Barnabas*

*STATEN ISLAND*

*Bayley Seton*
*North Richmond*
*Staten Island University*
*St. Vincent's*

*BROOKLYN*

*Brookdale*
*Coney Island*
*Interfaith*
*Kings County*
*Kingsbrook Jewish*
*Long Island College*
*Lutheran*
*Maimonides*
*Woodhull*

*QUEENS*

*Elmhurst*
*Holliswood*
*Jamaica*
*Long Island Jewish*
*Queens Hospital Center*
*Queens Hospital Network*
*St. John's*

*MANHATTAN*

*Bellevue*
*Beth Israel*
*Cabrini*
*Harlem*
*Metropolitan*
*Mt. Sinai*
*N.Y. Hospital/ Cornell*
*North General*
*Columbia Presbyterian*
*St. Lukes*
*Roosevelt*
*St. Vincent's*

*LOCATIONS OF AOT TEAMS*

*AOT TEAMS*

*Bellevue Hospital (Manhattan)*

*North Central Bronx Hospital (Bronx)*

*Woodhull Hospital (Brooklyn and Staten Island)*

*Elmhurst Hospital (Queens)*

***RELATED PROCEDURES***

*Aided Cases General Procedure (P.G. 216-01)*
*Mentally Ill or Emotionally Disturbed Persons (P.G. 221-13)*
*Mental Health Removal Orders (P.G. 216-06)*
*Hostage/Barricaded Person(s) (P.G. 221-14)*

***FORMS AND REPORTS***

***AIDED REPORT***
***INVESTIGATION CARD (PD373-163)***

## APPENDIX "A"

(Sample of court mandated removal of subject to a hospital.)
(Note: only the first of several pages listed here.)

At a _____Part of the
Court of the State of New York, Located at
_____, New York
on the _____day of _____

PRESENT:
HON. ,Judge/Justice

----------x
In the Matter of the Application of _____
_____, Director of Community Services for
the (Country) (City) of _____,

Petitioner,

ORDER AUTHORIZING AND DIRECTING EXAMINATION OF THE RESPONDENT PURSUANT TO MHL § 9.60(h)(3)

For an order Authorizing Assisted Outpatient Treatment
-for-

_____,Respondent
----------x

Upon reading and filing the order to show cause made by Hon._____ _____,Judge/Justice of the _____Court, dated _____, the petition of _____, Director of Community Services for the (Country) (City) of _____, verified on _____, the affirmation of _____, M.D., dated _____, the affidavit of (Insert name of petitioner)_____, sworn on _____, and (Describe other papers in support of the motion)_____ _____, in support of the motion, and (Describe papers in opposition to motion, if any)_____ _____, and after hearing _____

**APPENDIX "B"**

Sample of Kendra's Law Removal Order
(Section 9.60, Mental Hygiene Law)

## ASSISTED OUTPATIENT TREATMENT PROGRAM AUTHORIZATION OF TRANSPORT

(Section 9.60, Mental Hygiene Law)

RE: PATIENT'S NAME _____
SEX _____DATE OF BIRTH _____
ADDRESS _____

I, _____, am Director of Psychiatry at _____ Hospital and the designee of Dr. Neal L. Cohen, Director of Community Services of the City of New York to exercise the powers vested in the Director of Community Services by Section 9.60(n) of the Medical Hygiene Law to transport patient to such section.

I have been notified by _____, that, in his or her clinical
(examining physician)
judgment, _____ has failed or has refused to comply
(name of patient)
with assisted outpatient treatment ordered by the court, and that efforts were made to solicit compliance, and that this person may be in need of involuntary admission to a hospital pursuant to Section 9.27 of the Mental Hygiene Law, or immediate observation, care and treatment pursuant to Section 9.39 or 9.40 of the Mental Hygiene Law. The examining physician has requested that I direct the removal of _____ to _____
(name of patient) (name of receiving hospital)
for an examination to determine if he/she has a mental illness for which hospitalization is necessary pursuant to Section 9.27, 9.39 or 9.40 of the Mental Hygiene Law.

Based on such request, I hereby direct, pursuant to Section 9.60(n) of the Mental Hygiene Law, that peace/police/sheriff's office take into custody and transport this person to _____.
(Name of hospital)

_____
(Signature)

Date _____

Time_____

# PATROL GUIDE

| Section: Aided Cases | | Procedure No: 216-18 | |
|---|---|---|---|
| **CHILD WINDOW FALL REPORT** | | | |
| DATE ISSUED: 10/18/16 | DATE EFFECTIVE: 10/18/16 | REVISION NUMBER: | PAGE: 1 of 1 |

**PURPOSE** To notify the Department of Health within twenty-four hours when a child less than seventeen years of age falls from the window of any building, regardless of whether injury or death results.

**DEFINITION** BUILDING - Structures as indicated on the **Child Window Fall Report** caption, "Type Of Building."

**PROCEDURE** When responding to an incident involving a child falling from a window:

**UNIFORMED MEMBER OF THE SERVICE**

1. Follow *P.G. 216-01, "Aided Cases - General Procedure*."
2. Prepare Department of Health form, **Child Window Fall Report**.
   a. Immediately fax copy of **Report** to the Department of Health 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**.
   a. Indicate in "Details" section that **Child Window Fall Report** was prepared, faxed and mailed to the Department of Health.

***ADDITIONAL DATA*** *Public inquiries regarding the Window Fall Prevention Program may be referred to the Department of Health 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***
***Child Window Fall Report***

NYPD

| Section: Aided Cases | | Procedure No: 216-19 | |
|---|---|---|---|
| **PUBLIC ACCESS DEFIBRILLATION PROGRAM** | | | |
| DATE ISSUED: 07/01/20 | DATE EFFECTIVE: 07/01/20 | REVISION NUMBER: | PAGE: 1 of 3 |

**PURPOSE** To account for and properly document the use of Automated External Defibrillators (AEDs) in assigned commands, and to provide for the training and certification of uniformed, civilian and auxiliary members of the service in their use.

**DEFINITIONS** AUTOMATED EXTERNAL DEFIBRILLATOR (AED) – An electronic device that is used to defibrillate the heart by applying an electric shock to it.

UTILIZATION OF AED – Once an AED is placed on an aided, the Department considers that as utilized, even if a shock is not administered. When the AED pads are placed on an aided the machine will perform an analysis and advise what actions should be taken.

CARDIO PULMONARY RESUSCITATION (CPR) ADMINISTERED – The Department considers that CPR has been administered once a member of the service performs rapid chest compressions or mouth-to-mouth ventilation on an aided.

**PROCEDURE** In all commands assigned Automated External Defibrillators (AEDs):

**DESK OFFICER**

1. Account for all AED kits assigned to command at the beginning of each tour.
2. Assign an AED at the start of each tour to a member of the service trained and certified by the Department, as AED qualified.
3. Notify radio dispatcher of the unit(s) that have been assigned an AED kit.
4. Make a Command Log entry accounting for all AED kits and the notification to radio dispatcher.
   a. Note the assignment of AED kits by their serial numbers, with the prefix "AED" (e.g., AED 1234).
5. Ensure assignment of AED kits are noted on the roll call.
6. Secure AED kits that are not in use, in an appropriate location (e.g., radio room, property room).

**MEMBER OF THE SERVICE CERTIFIED TO UTILIZE AED/ ADMINISTER CPR**

7. Inspect the AED kit to ensure that it contains the following items:
   a. Operational AED – one device
   b. Electrode pads with wire leads – two sealed packages, each containing two pads
   c. Pocket mask
   d. Gloves
   e. Cloth/gauze compress
   f. Razor.
8. Notify desk officer of any deficiencies/missing equipment and make appropriate digital **Activity Log** entries.

UPON ARRIVING AT THE SCENE OF A CARDIAC AIDED CASE

**MEMBER OF THE SERVICE CERTIFIED TO UTILIZE AED/ ADMINISTER CPR**

9. Advise radio dispatcher of aided's condition and request response of Emergency Medical Service (EMS) to the scene.
10. Utilize the AED device in compliance with Department guidelines/ training.
    a. The AED will only be attached to an unconscious adult patient after it has been confirmed that the patient is not breathing and does not have a pulse.
    b. Provide care until relieved by advanced level emergency medical personnel.
11. Brief responding EMS crew or other advanced level emergency medical personnel of the following:
    a. Condition of the patient when found
    b. Nature of care provided, (i.e., rescue breathing, CPR, defibrillation, etc.).
12. Prepare **AIDED REPORT**.
    a. Note in "Details" section of **AIDED REPORT** if the AED was utilized, or CPR administered and results achieved.
        (1) If AED utilized, include serial number.
    b. If CPR was administered, check the appropriate caption on the **AIDED REPORT**.
13. Submit **AIDED REPORT** immediately to the desk officer after returning to the command.

***NOTE*** *If an AED/CPR is administered by a uniformed member of the service on a prisoner in the custody of this Department, a **MEDICAL TREATMENT OF PRISONER (PD244-150)** form will be completed instead of an **AIDED REPORT**.*

**DESK OFFICER**

14. Telephone the ESU desk to obtain an AED/CPR Log number and enter this number on the **AIDED REPORT** or **MEDICAL TREATMENT OF PRISONER** form.
    a. Forward a copy of the completed **AIDED REPORT** or **MEDICAL TREATMENT OF PRISONER** form to the ESU-AED Coordinator via fax, and via Department mail to the Emergency Service Unit, Attention: EMT School.
    b. Ensure AED is secured until delivery, and is not reassigned.
15. Schedule an appointment and ensure the AED is delivered to the ESU-AED Coordinator, for downloading of information after each use.

**ESU-AED COORDINATOR**

16. Download information from the data card or AED, as appropriate, and submit to the Supervising Chief Surgeon or designee.
    a. Check AED for operability/serviceability (battery charge, etc.).
17. Fax a copy of the **AIDED REPORT** or **MEDICAL TREATMENT OF PRISONER** form to the Office of the Supervising Chief Surgeon.
18. Maintain:
    a. Permanent file of data collected from the AED Program
    b. List of AED kits by serial number
    c. Supply of AED pads and batteries for replacement when needed by commands.

**SUPERVISING CHIEF SURGEON/ DESIGNEE**

19. Review the data received from the Emergency Service Unit.

**COMMANDING OFFICER**

20. Designate the command's training sergeant as the AED liaison for the command.
21. Ensure all members of the service assigned to use AEDs attend a one day AED training course at the Police Academy.

**COMMAND TRAINING SERGEANT**

22. Act as command's liaison with ESU-AED coordinator and the Police Academy.
    a. Resolve issues with the AED program.
    b. Schedule members of the service to attend the one day training session at the Police Academy via the Training Attendance Certification Transcript Integrated Collection System (T.A.C.T.I.C.S.) based on allotments assigned by the borough/bureau training coordinator. The course is available under "BLASTT – Basic Life Support and Trauma Treatment CPR-AED-Naloxone-BTK."

***ADDITIONAL DATA***

*In the event of loss or theft of an AED kit or its contents (except cloth/gauze compress and plastic gloves) comply with Patrol Guide 219-20, "Loss or Theft of Department Property."*

*Replacement of AED supplies, i.e. batteries, pads, etc., defective AED equipment, and other issues related to this program, may be referred to the ESU-AED coordinator.*

*If any command wishes to purchase or accept a donation of an AED, that command must contact the ESU-AED coordinator, for inventory control and guidance as to which equipment has been approved by the Department.*

*Training issues relating to this Program may be referred to the Police Academy.*

***RELATED PROCEDURES***

*Departmental Recognition – Uniformed Members of the Service (P.G. 205-39)*
*Aided Cases General Procedure (P.G. 216-01)*
*Loss or Theft of Department Property (P.G. 219-20)*
*Gifts Offered to the Police Department (A.G. 325-33)*

***FORMS AND REPORTS***

***AIDED REPORT***
***MEDICAL TREATMENT OF PRISONER (PD244-150)***

# PATROL GUIDE

| Section: Aided Cases | | Procedure No: 216-20 | |
|---|---|---|---|
| **HANDLING SHELTER CLIENTS WITH TUBERCULOSIS** | | | |
| DATE ISSUED: 07/01/20 | DATE EFFECTIVE: 07/01/20 | REVISION NUMBER: | PAGE: 1 of 2 |

**PURPOSE** To assist the Department of Health and Mental Hygiene in the removal of recalcitrant patients sheltered in Human Resources Administration facilities, who have tuberculosis and are refusing treatment.

**PROCEDURE** When the Department of Health and Mental Hygiene notifies the Operations Unit that a removal and detention order has been issued:

**OPERATIONS UNIT PERSONNEL**

1. Upon notification by the Department of Health and Mental Hygiene (DOHMH) that a removal and detention order has been issued.
   a. Ascertain location of removal.
   b. Enter in the Command Log the name of the DOHMH personnel making notification and the pedigree information of the subject.
2. Notify Communications Section to assign a patrol supervisor, an RMP unit and Emergency Service Unit to respond.

**PATROL SUPERVISOR**

3. Respond to scene and assess the situation.
4. Determine if services of Emergency Service Unit are necessary.
   a. Cancel Emergency Service Unit if not required.
5. Confirm that the Removal and Detention Order is possessed by the DOHMH physician/peace officer at the shelter site.
6. Assign uniformed member of the service to accompany the subject and DOHMH physician/peace officer in the transportation vehicle provided by DOHMH to the pre-designated hospital.

***NOTE*** *The primary responsibility of the Department, during these removals is to assist in the arrest and preserve the peace. If the patient resists, physical force may be used, but only to the extent necessary to restrain the subject until delivery to the hospital. Members of the service assigned are not to personally assist in forcing entry to the premises, securing it afterwards, or safeguarding property thereat. Those duties, if necessary, will be performed by other agencies at the direction of the Department of Health and Mental Hygiene (DOHMH) physician/peace officer.*

*In the event that the Human Resources Administration is unable to provide a vehicle, an ambulance will be requested through Communications. Except in extreme cases, Department vehicles will not be utilized for transportation purposes.*

*Responding members of the service will take appropriate precautions, including the wearing of plastic gloves and facial masks. Facial masks will be provided at the shelter site by the Department of Health and Mental Hygiene.*

*Due to the medical conditions of the patient and the Department's responsibility to minimize exposure of the patient to others, it is imperative that they be transported only to the designated Health and Hospitals Corporation facility. This includes those situations where the subject to be removed engages in conduct where an arrest is effected for other than refusal to comply with the DOHMH physician/peace officer's order. In these cases, the arrest will be made by members of this Department and P.G. 210-02 "Hospitalized Prisoners," will be followed.*

**UNIFORMED MEMBER OF THE SERVICE**

7. Accompany patient along with a DOHMH physician/peace officer to pre-designated hospital.
8. Enter details of removal and transport in digital **Activity Log**.
9. Ensure that the name of the DOHMH physician/peace officer, and the patient removed, are recorded in digital **Activity Log** and on any other Department forms prepared.
10. Comply with the pertinent provisions of *P.G. 205-10, "Exposure of Members of the Service to Infectious Diseases or Hazardous Materials."*

***ADDITIONAL DATA***

*If the patient exhibits behavior where it is likely that the patient or others may be seriously injured or the patient barricades himself in the premises and refuses to comply, members of the service at the scene will comply with the provisions of P.G. 221-13, "Mentally Ill or Emotionally Disturbed Persons" and P.G. 221-14, "Hostage/ Barricaded Person(s)," as appropriate.*

***RELATED PROCEDURES***

*Exposure of Members of the Service to Infectious Diseases or Hazardous Materials (P.G. 205-10)*
*Hospitalized Prisoners (P.G. 210-02)*
*Hostage/Barricaded Person(s) (P.G. 221-14)*
*Mentally Ill or Emotionally Disturbed Persons (P.G. 221-13)*

NYPD

**DEFINITIONS**

CARBON MONOXIDE - a colorless and odorless gas that interferes with the delivery of oxygen to the cells of the body. The signs and symptoms of carbon monoxide poisoning are headache, nausea, vomiting, confusion and disorientation. In severe cases cherry red skin can be present. Carbon monoxide is created by incomplete combustion of burning fuels, such as gasoline, oil, wood and paper.

**PROCEDURE**

When responding to a report of a residential carbon monoxide alarm:

**UNIFORMED MEMBER OF THE SERVICE**

1. Promptly respond to location and attempt to identify what type of alarm has been transmitted (e.g. residential, central station monitored, EMS call).
2. Interview any person(s) that may have information regarding location of the alarm.
3. Refrain from entering location.
4. Request the response of Patrol Supervisor, if alarm confirmed.
5. Establish frozen area.
6. Render reasonable aid to victims, if present.
7. Request Emergency Medical Service to respond if necessary.
8. Observe affected individuals for signs and symptoms of carbon monoxide poisoning and direct them to EMS for treatment.

**PATROL SUPERVISOR**

9. Respond to location.
10. Evaluate situation upon arrival.
11. Maintain frozen area and extend if necessary, until hazard is removed.

***NOTE***

*Patrol Supervisors should be guided by Patrol Guide 212-37, "Hazardous Materials," when responding to a carbon monoxide alarm and setting up frozen areas.*

12. Establish Crime Scene, if necessary.
13. Request response of ESU personnel.
14. Prevent all non-ESU police personnel from entering location.
15. Notify Duty Captain and precinct Desk Officer.
16. Direct Communications to notify Department of Buildings if location is City owned.

**EMERGENCY SERVICE UNIT MEMBER**

17. Respond to location and determine whether carbon monoxide gases are present.
18. Advise patrol supervisor on appropriate frozen area boundaries, as necessary.
19. Determine whether location is safe for re-entry.

**UNIFORMED MEMBER OF THE SERVICE**

20. Remain outside location until ESU deems location habitable.
21. Assist EMS with removal of aided(s) if location is properly vented and ESU personnel advise the location is safe to enter.
22. Comply with *P.G. 216-01, "Aided Cases General Procedure."*

**PATROL SUPERVISOR**

23. Direct preparation of **AIDED REPORT** and a **COMPLAINT REPORT WORKSHEET (PD313-152A)**, if appropriate.
24. Confer with ESU personnel to determine if location is safe for occupants to re-enter prior to allowing re-entry.
25. Comply with pertinent provisions of *Patrol Guide 212-37, "Hazardous Materials,"* if it is determined that a continuing carbon monoxide threat exists.

***RELATED PROCEDURES***

*Hazardous Materials (P.G. 212-37)*
*Aided Cases General Procedure (P.G. 216-01)*

***FORMS AND REPORTS***

***AIDED REPORT***
***COMPLAINT REPORT WORKSHEET (PD313-152A)***

| Section: Aided Cases | | Procedure No: 216-22 | |
|---|---|---|---|
| **MOBILE CRISIS OUTREACH TEAMS AND ASSERTIVE COMMUNITY TREATMENT TEAMS** | | | |
| DATE ISSUED: 07/01/20 | DATE EFFECTIVE: 07/01/20 | REVISION NUMBER: | PAGE: 1 of 2 |

**PURPOSE** To safeguard and remove mentally ill or emotionally disturbed persons at the direction of Mobile Crisis Outreach or Assertive Community Treatment Teams pursuant to Sections 9.37 and 9.58 of the New York State Mental Hygiene Law.

**DEFINITIONS** MOBILE CRISIS OUTREACH TEAMS- These teams are independently operated by local hospitals or community-based mental health organizations, are usually funded by the Department of Health and Mental Hygiene, and may sometimes be attached to New York State licensed "comprehensive emergency programs." Their goal is to assess, stabilize and rapidly refer patients to longer-term providers.

ASSERTIVE COMMUNITY TREATMENT TEAMS (ACT)- Similar to Mobile Crisis Outreach Teams, but are "hospitals on wheels," more richly staffed by mental health workers and charged with providing a wide range of ongoing services. ACT teams sometimes need to order involuntary transport of their patients to hospital emergency rooms. They receive contract funding from the Department of Health and Mental Hygiene and are licensed by the New York State Office of Mental Health.

QUALIFIED MENTAL HEALTH PROFESSIONAL (QMHP)- are members of a Mobile Crisis Outreach or Assertive Community Treatment Team who are licensed psychologists, certified social workers or registered professional nurses.

**PROCEDURE** When directed to assist, on scene, designated physicians or qualified mental health professionals assigned to Mobile Crisis Outreach Teams or Assertive Community Treatment Teams, uniformed members of the service will:

**UNIFORMED MEMBER OF THE SERVICE**

1. Comply with provisions of *P.G. 221-13, "Mentally Ill or Emotionally Disturbed Persons."*
2. Examine the Department of Health and Mental Hygiene photo identification card of the physician or qualified mental health professional on scene.
   a. Record pertinent information in digital **Activity Log**, including the identity of the physician or qualified mental health professional ordering the removal, and the length of time the aided was in police custody.
3. Prepare **AIDED REPORT**.
   a. Submit Form **OMH 475 (Application for Involuntary Admission on Certificate of a Director of Community Services or Designee)** OR **Form OMH 482 (Mobile Crisis Outreach Team Authorization for Transport)** with **AIDED REPORT**.

***ADDITIONAL DATA***

*Designated physicians authorizing a removal must prepare* ***Form OMH 475 (Application for Involuntary Admission on Certificate of a Director of Community Services or Designee)*** *prior to directing the involuntary transport of an individual. Other qualified mental health professionals assigned to Mobile Crisis Outreach Teams / Assertive Community Treatment Teams must prepare* ***Form OMH 482 (Mobile Crisis Outreach Team Authorization for Transport)*** *prior to directing the involuntary transport of an individual. In either case, a copy of the required form must be provided to responding officers for submission with the* ***AIDED REPORT****.*

*A uniformed member of the service will assist in the transportation of the patient to the hospital and ride in the body of the ambulance with the patient. A uniformed member will remain with the patient until he/she is examined and is either released or admitted at the psychiatric emergency room.*

*Mobile Crisis Outreach or Assertive Community Treatment Teams ordering the removal of a mentally ill person will safeguard all personal property (other than contraband) removed from the patient.*

***RELATED PROCEDURES***

*Unusual Occurrence Reports (P.G. 212-09)*
*Hostage/Barricaded Person(s) (P.G. 221-14)*
*Aided Cases General Procedure (P.G. 216-01)*
*Mentally Ill or Emotionally Disturbed Persons (P.G. 221-13)*
*Mental Health Removal Orders (P.G. 216-06)*

***FORMS AND REPORTS***

***AIDED REPORT***
***Application for Involuntary Admission on Certificate of a Director of Community Services or Designee (OMH Form 475)***
***Mobile Crisis Outreach Team Authorization for Transport (OMH Form 482)***

NYPD

**PURPOSE** To delineate the duties and responsibilities of uniformed members of the service when coming into contact with an individual that may have apparently overdosed while using drugs and/or alleged opioids.

**DEFINITIONS** OPIOIDS – An opiate (synthetic or otherwise) which includes but is not limited to heroin, morphine, oxycodone, fentanyl, methadone, hydrocodone, and codeine.

FENTANYL AND FENTANYL ANALOGUES – Fentanyl is a fast acting (rapid onset) potent narcotic analgesic and synthetic opioid pain medication. Fentanyl, a prescription opioid, is approximately thirty to fifty times more powerful than heroin, and eighty to one hundred times more powerful than morphine. Fentanyl can be absorbed through the skin, therefore proper handling of opioids such as Fentanyl is essential to keeping members of the service and the public safe.

OPIOID ANTAGONIST – An FDA approved drug (e.g., Naloxone, Narcan, etc.) that when administered, negates or neutralizes, in whole or in part, the pharmacological effects of an opioid in the body.

NALOXONE KIT – An opioid antagonist kit which consists of intranasal mucosal atomization devices, safety gloves, Rescue Breathing Face Shield, and Naloxone Hydrochloride prefilled syringes.

***NOTE*** *If trained and equipped with Naloxone, uniformed members of the service must carry Naloxone while performing patrol duty.*

DRUG PARAPHERNALIA – Items associated with the use, preparation, manufacture, packaging, or storage of narcotics, including but not limited to, straws, syringes, cutting agents, scales, strainers, pestles, empty or new glassine envelopes or vials, plastic bags, rubber stamps, drug records, etc.

STAMPS – An image and/or writing that drug dealers utilize to identify the dealer's "brand" for the product. When applicable, the stamp will be located on wax folds or glassines.

**PROCEDURE** Upon arrival at a scene when an individual may be suffering from, or has died from, a suspected drug overdose:

**UNIFORMED MEMBER OF THE SERVICE**

1. Request an ambulance and render reasonable aid to suspected overdose victim.
   a. Request the response of a uniformed member of the service equipped with a Naloxone Kit, if not present at scene.
   b. Ascertain from witnesses if Naloxone was administered to individual prior to police arrival.

***NOTE*** *The uniformed member of the service will use common sense standards and consider the totality of the circumstances in deciding whether the individual is suffering from, or has died from, a suspected overdose. The presence of narcotics and/or drug paraphernalia, statements from the aided/family/witnesses, or other independent observations from the uniformed member of the service should be considered in making a determination.*

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

2. If individual is unresponsive, administer Naloxone, if appropriate.
3. Request dispatcher to notify responding Emergency Medical Service (EMS) personnel that Naloxone was administered.
4. If individual is not breathing and has no pulse, Cardio Pulmonary Resuscitation (CPR)/Automated External Defibrillator (AED) should be administered while waiting to administer additional dose of Naloxone.
5. If individual has not responded to Naloxone within three to five minutes, administer one additional dose of Naloxone.
6. Inform responding EMS personnel of the circumstances which led to the belief that the individual was suffering from an opioid drug overdose (i.e., physical signs, statements by witnesses, etc.).
   a. Inform EMS personnel of any attempt to revive individual (e.g., CPR, AED, etc.) and number of Naloxone doses given.

***NOTE*** *If individual is removed from scene prior to arrival of uniformed member of the service, the responding member will ascertain which hospital the individual was removed to and comply with steps "7" through "11" and steps "23" through "26."*

7. Request the response of the patrol supervisor and notify the detective squad.
8. Notify desk officer of fatal/non-fatal suspected overdose.
   a. Inform desk officer if Naloxone was administered.
      (1) Indicate whether Naloxone was administered by NYPD, EMS, NYC Fire Department (FDNY), family member, friend or other person.
      (2) Include name of person(s) administering Naloxone.
9. Safeguard scene and potential evidence, including but not limited to, narcotics (including legally prescribed medicine), drug paraphernalia (including syringes), pill bottles, cellular telephones, and anything else that aids in determining the source of the substance.
   a. If required to handle evidence, utilize Personal Protection Equipment (PPE) (i.e., gloves, etc.).
10. Document any prescription pills found on the person, in the vicinity of the body, and/or, if the initial interview reveals what the individual ingested. Include:
    a. Doctor's name, address and phone number
    b. Pharmacy name, address and phone number
    c. Patient's name on the prescription bottle, address, and phone number.
11. Attempt to identify witnesses and obtain from individual/family/witnesses, any potential substance(s) that could possibly be responsible for suspected overdose (e.g., heroin, fentanyl, oxycodone, etc.).

***NOTE*** *Uniformed members of the service must exercise extreme caution in the handling of all drugs and drug paraphernalia. Even the slightest contact can be lethal. Taking proper safety precautions is vital when investigating and documenting drug overdose evidence.*

**PATROL SUPERVISOR**

12. If the individual has died or is likely to die, or if Naloxone was administered, request the detective squad to respond.
13. Request Evidence Collection Team (ECT) to process scene for evidence.

**DETECTIVE SQUAD INVESTIGATOR**

14. If the individual has died or is likely to die, or if Naloxone was administered, respond to the scene and conduct investigation.
15. Confer with ECT personnel, when appropriate, in regard to the collection of any drugs and/or drug paraphernalia (including syringes), cellular telephones, and any other evidence that may assist in the investigation.

**ECT PERSONNEL**

16. Respond to all overdoses (fatal and non-fatal).
17. Photograph all drugs and drug paraphernalia and document any relative stamps/markings.
18. Ensure evidence is invoiced as "Investigatory Evidence" by initial responding unit.

***NOTE*** *In the event additional testing or analysis is necessary (i.e., Latent Fingerprint analysis or DNA analysis), comply with P.G. 218-09, "Evidence Other Than Controlled Substances/Marijuana and Firearms/Ballistics Evidence Requiring Police Laboratory Analysis."*

19. Upload all photographs taken of evidence into the Enterprise Case Management System (ECMS).
    a. Ensure photographs have captured any stamps on glassine envelopes or wax folds, when appropriate.

**DETECTIVE SQUAD SUPERVISOR**

20. Supervise initial investigation and ensure all preliminary steps have been completed.
    a. Ensure photographs are uploaded into ECMS.
21. Prepare a **Detective Bureau Unusual Occurrence Report** and make appropriate notifications.
22. Review prior overdose cases to see if any patterns or clusters of cases exist.
    a. Notify Detective Bureau zone captain for appropriate follow-up with narcotics counterpart, if any patterns or clusters of cases exist.

**UNIFORMED MEMBER OF THE SERVICE**

23. Prepare **COMPLAINT REPORT WORKSHEET (PD313-152A)** and report classification as "Investigate Aided – Drug Overdose" or "Investigate DOA – Possible Drug Overdose," as appropriate.
    a. Enter in "Details" section:
        (1) Any stamps/markings on glassine envelopes or pills
            i. Include name, address and phone number of the doctor, pharmacy or patient, listed on any prescription bottles
        (2) ICAD number
        (3) Type of call (i.e., pick up, radio run)

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

(4) Type of location (apartment, business, etc.)

(5) Suspected drug type and manner of ingestion (e.g., injected, snorted, taken in pill form, etc.), if known

(6) If Naloxone was administered

i. Indicate whether Naloxone was administered by NYPD, EMS, FDNY, family member, friend or other person

ii. Include name of person(s) administering Naloxone

(7) Condition of aided (e.g., was individual conscious or breathing before/after administration of Naloxone, etc.)

(8) Naloxone Log number.

b. If individual has died or is likely to die, or if Naloxone was administered, enter case status on **COMPLAINT REPORT WORKSHEET** as "Open" and refer to detective squad.

***NOTE***

*GOOD SAMARITAN LAW*

*Members are reminded that the 911 Good Samaritan Law prohibits a person from being charged with possessing a controlled substance, marijuana, drug paraphernalia, or alcohol by someone under 21, when evidence is obtained as the result of the person seeking, in good faith, health care for himself or another person who is experiencing a drug or alcohol overdose. Members of the service will comply with Operations Order 12, series 2014, entitled, "911 Good Samaritan Law" if controlled substances, marijuana or drug paraphernalia are observed while responding to a suspected opioid overdose.*

*Pursuant to New York State Social Services Law Section 413(1)(a), police officers are mandatory reporters of suspected child abuse, neglect, and maltreatment. Failure to report an instance of such constitutes a class A misdemeanor. Members of the service will comply with P.G. 215-03, "Emergency Removals or Investigation and Reporting of Abused, Neglected, or Maltreated Children."*

24. Prepare **AIDED REPORT** in non-arrest situations or, **MEDICAL TREATMENT OF PRISONER (PD244-150)** form in arrest situations.

25. If Naloxone has been administered by a uniformed member of the service, complete the **New York State Public Safety Naloxone Quality Improvement Usage Report** and deliver to the desk officer, precinct of occurrence.

a. If report is entered directly into a digital PDF, print a copy for review by the desk officer.

26. Prepare a **PROPERTY CLERK INVOICE WORKSHEET (PD521-141A)** for any drugs or drug paraphernalia recovered from the scene as directed by ECT.

a. Use the Property and Evidence Tracking System (PETS) and invoice recovered items as "Investigatory Evidence."

**DESK OFFICER**

27. Notify the commanding officer/duty captain and Patrol Borough of fatal/non-fatal suspected overdoses.

28. Notify Operations of all fatal/non-fatal suspected overdoses.

a. If Naloxone was administered, obtain Naloxone Log number from Operations Division.

**DESK OFFICER (continued)**

(1) Indicate whether Naloxone was administered by NYPD, EMS, FDNY, family member, friend or other person.
(2) Include name of person(s) administering Naloxone.

b. Include any Department report serial numbers and/or log numbers that were prepared in regard to the incident (e.g., **AIDED REPORT**, **COMPLAINT REPORT**, Naloxone Log number, etc.).

c. Ensure notification to Operations Division is documented on **COMPLAINT REPORT WORKSHEET**, and **AIDED REPORT** or **MEDICAL TREATMENT OF PRISONER**.

d. Ensure Naloxone Log number is entered on **COMPLAINT REPORT WORKSHEET**, and **AIDED REPORT** or **MEDICAL TREATMENT OF PRISONER**.

29. Review **PROPERTY CLERK INVOICE(S)** prepared, **COMPLAINT REPORT WORKSHEET** and **AIDED REPORT** or **MEDICAL TREATMENT OF PRISONER**, and verify reports are accurate and complete.

a. Review **New York State Public Safety Naloxone Quality Improvement Usage Report** if prepared, for completeness and forward as required.

(1) Forward a copy of the **New York State Public Safety Naloxone Quality Improvement Usage Report** via email to the Operations Division.

**OPERATIONS DIVISION**

30. Maintain a log to document the administration of Naloxone.

a. When notified that Naloxone was administered, provide the desk officer with a Naloxone Log number.

b. Document whether Naloxone was administered by NYPD, EMS, FDNY, family member, friend or other person.

(1) Include name of person(s) administering Naloxone.

c. Forward a copy of **New York State Public Safety Naloxone Quality Improvement Usage Report** to the Office of the Chief of Department, when received.

**PATROL SUPERVISOR**

31. Prepare report on **Typed Letterhead** addressed to the Chief of Department for fatal overdoses.

a. Indicate whether Naloxone was administered by NYPD, EMS, FDNY, family member, friend or other person.

(1) Include name of person(s) administering Naloxone.

b. Include any Department report serial numbers and/or log numbers that were prepared in regard to the incident (e.g., **AIDED REPORT**, **COMPLAINT REPORT**, Naloxone Log number, etc.).

32. Forward copy of report on **Typed Letterhead** along with copies of **COMPLAINT REPORT**, **New York State Public Safety Naloxone Quality Improvement Usage Report**, **AIDED REPORT** or **MEDICAL TREATMENT OF PRISONER** form to the following:

a. Chief of Department

b. Chief of Patrol

c. Chief of Crime Control Strategies, Crime Analysis Unit

**PATROL SUPERVISOR (continued)**

d. Supervising Chief Surgeon
e. Borough/Bureau training coordinator
f. Training sergeant.

***ADDITIONAL DATA***

*LEGAL CONSIDERATIONS*

*Naloxone Rescue Kits*

*Members of the service are advised that possession of Naloxone by the public is legal. Naloxone is not a controlled substance. Rescue kits containing Naloxone have been distributed to friends and family members of intravenous drug users. In past distributions, some rescue kits contained a hypodermic instrument to administer the Naloxone intravenously. Possession of a hypodermic instrument, in most circumstances, is not a crime.*

*Possession of Hypodermic Instruments*

*Members of the service are reminded there was a change several years ago to the New York Public Health Law Section 3381. Under that change, any person eighteen years of age or more may lawfully purchase and possess up to ten hypodermic instruments without a prescription. The ten instrument limitation is at the point of purchase. In other words, a person may purchase ten instruments in one pharmacy, ten more in another and so on. Under this change to the law, there is also no limit as to how many instruments a person may possess.*

*Members of the service should also be reminded New York State Penal Law Section 220.03 was changed several years ago. That change made it lawful to possess a residual amount of a controlled substance inside a hypodermic instrument or syringe. The law did not define what constitutes a residual amount. Prior to this change, members of the service had been instructed not to charge persons with possession of a controlled substance if the amount recovered from inside a hypodermic instrument was a residual amount and the person was a member of a syringe exchange program. That direction was the result of litigation and a Court Order. The change to New York State Penal Law Section 220.03 makes residual amount possessed inside of a hypodermic instrument or syringe lawful for all persons.*
*As always, members of the service are reminded to contact the Legal Bureau should there be any questions or concerns regarding the validity of an arrest.*

***RELATED PROCEDURES***

*Aided Cases General Procedure (P.G. 216-01)*
*Preparation of Aided Report (P.G. 216-02)*
*Dead Human Body General Procedure (P.G. 216-04)*
*Mentally Ill or Emotionally Disturbed Persons (P.G. 221-13)*
*Public Access Defibrillation Program (P.G. 216-19)*
*Invoicing Property – General Procedure (P.G. 218-01)*
*Evidence Other Than Controlled Substances/Marijuana and Firearms/Ballistics Evidence Requiring Police Laboratory Analysis (P.G. 218-09)*
*911 Good Samaritan Law (Operations Order 12, series 2014)*

***FORMS AND REPORTS***

***COMPLAINT REPORT (PD313-152)***
***COMPLAINT REPORT WORKSHEET (PD313-152A)***
***MEDICAL TREATMENT OF PRISONER (PD244-150)***
***AIDED REPORT***
***Typed Letterhead***
***New York State Public Safety Naloxone Quality Improvement Usage Report***

**PURPOSE** To record and determine the cause of each vehicle collision and take or recommend corrective action.

**DEFINITIONS**

VEHICLE COLLISION – A collision which occurs on a public highway, a street between building lines, or private property and involves a vehicle, including a parked vehicle, attended or unattended.

VEHICLE – Every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, except devices moved by human power or used exclusively upon stationary rails or tracks.

QUALIFYING VEHICLE – For the purposes of this procedure is:

a. Any commercial truck having a Gross Weight Rating or Gross Combined Weight Rating more than 10,000 pounds
b. Any vehicle displaying a hazardous materials placard
c. A bus designed to carry nine or more persons, including the driver.

BICYCLE – Every two or three wheeled device upon which a person or persons may ride, propelled by human power through a belt, a chain or gears, with such wheels in a tandem or tricycle, except that it shall not include such a device having solid tires and intended for use only on a sidewalk by pre-teenage children.

SERIOUS PHYSICAL INJURY – For the purpose of this procedure, a physical injury which creates a substantial risk of death, or which causes death or serious and protracted disfigurement, protracted impairment of health or protracted loss or impairment of the function of any bodily organ.

SERIOUS TRAFFIC VIOLATION – For the purpose of this procedure, a serious traffic violation includes any traffic violation under the following sections of the New York State Vehicle and Traffic Law:

| | |
|---|---|
| Section 511: | Operation while license or privilege is suspended or revoked; aggravated unlicensed operation |
| Section 600: | Leaving the scene of an incident without reporting |
| Section 1100 – 1105: | Obedience to and effect of traffic laws |
| Section 1110 – 1117: | Traffic signs, signals and markings |
| Section 1120 – 1131: | Driving on right side of roadway, overtaking and passing, etc. |
| Section 1140 – 1146a: | Right of way |
| Section 1160 – 1166: | Turning and starting and signals on stopping and turning |
| Section 1170 – 1176: | Special stops required |
| Section 1180 – 1182-b: | Speed restrictions |
| Section 1212: | Reckless driving. |

**PROCEDURE** Upon notification or observation of a vehicle collision:

**UNIFORMED MEMBER OF THE SERVICE**

1. Park Department vehicle behind vehicle(s) involved, so that traffic will not be impeded.
   a. The first responding unit (e.g., the unit assigned to vehicle collision via Communications Section, pickup by unit, etc.), regardless of command, assignment, or whether vehicle collision occurred on the border of two or more precincts, will interview motorists, witnesses, etc., and prepare a Police Accident Report (MV104AN).
   b. Under no circumstances, will a motorist be instructed to wait for a response from the precinct of occurrence, or Highway personnel, for the preparation of a Police Accident Report (MV104AN).
2. Ascertain if there are any injuries and request ambulance, if needed.
   a. Place **IDENTIFICATION TAG (PD317-091)** on aided, if unconscious and removed to hospital.
   b. When there is serious physical injury, determine if any operator involved committed a serious traffic violation, as defined in this procedure. If so, administer a Preliminary Breath Test (PBT) to all operators involved (unless operator is removed from the scene for immediate medical attention), if qualified to do so. If not qualified, request assistance from another uniformed member of the service qualified to administer the PBT.
      (1) If operator(s) refuses, they are in violation of VTL Section 1194(1)(b) and a summons may be issued.
      (2) If probable cause is established that an operator is under the influence of alcohol and/or drugs, effect arrest and comply with *P.G. 208-40, "Intoxicated or Impaired Driver Arrest."*
   c. If the injury is critical, serious and likely to die or death, comply with *P.G. 217-02, "Vehicle Collisions Which Result in Death, Serious Injury and Likely to Die, or Critical Injury."*
3. Divert traffic, if necessary.
   a. Use traffic cones, turret lights and danger signs, whenever available.
   b. Place the first cone at least two hundred feet from the collision on high-speed highways, bridges, etc.
4. Obtain the driver's license, vehicle registration, and insurance identification card from the drivers of <u>all</u> vehicles involved in the collision.
   a. Record required information and return credentials to driver(s).

***NOTE*** *The following vehicles do not require insurance identification cards:*
*a. Taxis, buses and other rented vehicles*
*b. Vehicles operating under the authority of the Public Service Commission and ICC*
*c. Government owned vehicles*
*d. Certain farm vehicles.*

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

5. Have vehicles removed from roadway as soon as practical.
6. Attempt to identify any uninvolved witnesses to the collision.
   a. Record any statements made by witnesses to the collision.
   b. Obtain name, address, home telephone number, and mobile number of as many witnesses to the collision as possible.
7. Determine the cause of the collision by inquiry and observation.

***NOTE*** *When responding to a collision between a pedestrian or bicyclist and a motor vehicle where the pedestrian or bicyclist was attempting to lawfully cross a street and the motor vehicle operator failed to exercise due care, the member of the service concerned should contemplate taking enforcement action under New York City Administrative Code Section 19-190 as described in Patrol Guide 217-18, "Vehicle Collision – Pedestrian/Bicyclist Right of Way Law."*

8. Survey the scene carefully and be alert for common insurance fraud indicators.
9. Take summary action, if necessary.
   a. If a moving violation summons is issued and the collision from which the violation arose resulted in the death or serious physical injury of someone other than the violator, the summonsing officer must write "D" for death or "SPI" for serious physical injury in the "Description/Narrative" section of the summons.
   b. If it has been determined that a PBT should be administered due to the injury and traffic violations, the result of the PBT, or the refusal of the operator to submit to the PBT, is to be documented in the **Police Accident Report (MV104AN)**.
10. Prepare **COLLISION INFORMATION EXCHANGE (PD301-157)**, as appropriate, and give to operators.
    a. Advise operator, if incapacitated, that another participant in the collision, or the owner of vehicle, must complete bottom portion of **COLLISION INFORMATION EXCHANGE** form.
    b. Complete bottom portion of **COLLISION INFORMATION EXCHANGE**, if the owner of vehicle, or no other participant in the collision, is available.
11. Use a Department mobile device (e.g., cellular telephone, tablet, etc.), if available, to prepare the **Police Accident Report** electronically via FORMS MV – 104 system.
    a. A legible handwritten copy must be completed if a member of the service does not have the ability to complete a **Police Accident Report** electronically.
12. Complete all relevant captions, with particular attention to the following:
    a. Account for all passengers in the vehicle taking care to note their seating position, name and injury (if any).
       (1) Include statement on **Police Accident Report** as to whether the airbag inflated and deployed, if injury is involved.

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

b. Attempt to identify passengers through documentation (photo identification if possible). If unable to do so note on **Police Accident Report**.

c. Enter passenger information in the "All Involved" section of the **Police Accident Report**, boxes "A through F."

d. Draw a straight line through every unused box of this section and initial it, if handwritten form is completed.

e. Repeat the same process as above on the reverse side of the **Police Accident Report**, in the "Persons Killed Or Injured In Accident" section, boxes "A through E."

f. Enter information concerning operator of bicycle involved in section captioned "Vehicle 2," if applicable.

(1) Enter the name and address of the bicycle rental company in the applicable registration information captions, if a rental bicycle is involved.

13. Obtain the vehicle identification numbers (VIN) from the dashboard and door of each vehicle involved in the collision.

a. Ensure that they match.

14. Record VIN on the **Police Accident Report** as follows:

a. Enter VIN in the stand-alone caption provided for it, if entering **Police Accident Report** via FORMS MV – 104 system

b. List VIN in the caption labeled "Accident Description/Officer's Notes," if preparing a handwritten copy of the **Police Accident Report**.

15. Inspect vehicles/bicycles involved in the collision and indicate the type of vehicle/bicycle in the "Vehicle Type" caption on the **Police Accident Report** (see *ADDITIONAL DATA*).

16. Obtain pedicab information, if involved in collision.

a. Enter pedicab Department of Consumer Affairs License number in "Driver License ID Number" caption on **Police Accident Report**.

b. Enter pedicab registration number in "Plate Number" caption on **Police Accident Report**.

17. Prepare **Truck and Bus Supplemental Police Accident Report (MV104S)** if at least one vehicle involved is a qualifying vehicle and the collision resulted in one of the following "conditions of severity" for any person or any vehicle involved:

a. At least one person sustained fatal injuries

b. At least one person was transported for immediate medical treatment

c. At least one vehicle was towed/transported from the scene (other than for a flat tire).

***NOTE*** *If a collision involved a qualifying vehicle and a "condition of severity," as described above, a **MV104S** must be prepared for each qualifying vehicle and attached to the corresponding **Police Accident Report**.*

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

18. Check appropriate "Duplicate Copy Required For" captions on rear of **Police Accident Report** and, in addition, check box captioned "Other City Agency," if necessary, and enter:
    a. DEPARTMENT OF CONSUMER AFFAIRS - if tow truck or pedicab licensed by Department of Consumer Affairs is involved in collision.
    b. NEW YORK CITY DEPARTMENT OF TRANSPORTATION - if collision involved collision with a "crash cushion" or "highway impact attenuator."
    c. DEPARTMENT OF PARKS - Person killed or injured on roadway under jurisdiction of Department of Parks, or motor vehicle collision resulting in damage to a tree on park land, city street, or on any other public property owned by the City of New York.
    d. MISSING PERSON SQUAD (MEDICAL EXAMINER'S LIAISON UNIT) - person killed in collision.
    e. HIGHWAY DISTRICT (COLLISION INVESTIGATION SQUAD) - person killed in collision.

***NOTE*** *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 collision involves any of the following:
        (1) Fire Department vehicles
        (2) Health and Hospitals Corporation ambulance (staffed by FDNY - Emergency Medical Service personnel)
        (3) Fire hydrants
        (4) Fire alarm boxes
    g. DEPARTMENT OF EDUCATION, OFFICE OF PUPIL TRANSPORTATION - vehicle collision involving a school bus.
    h. NYC TAXI AND LIMOUSINE COMMISSION - if taxi or for hire vehicle (livery/limousine) is licensed by the NYC Taxi and Limousine Commission.
    i. NYC OFFICE OF THE COMPTROLLER - all collisions where New York City personnel or City property is involved.

19. Inform person(s) involved in collision that copy of **Police Accident Report** may be obtained as follows:
    a. Electronically, or by mail, via New York State Department of Motor Vehicles website
    b. In person, at precinct of occurrence, within thirty days of collision. A current, valid form of photo identification (e.g., driver license, passport, etc.) is required
    c. By mail request, at precinct of occurrence, when received within thirty days of collision, with a self-addressed stamped envelope

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

(1) Any mail request not accompanied by a photocopy of a current, valid form of photo identification (e.g., driver license, passport, etc.) will be returned.

d. Electronically, via the Department's public internet website.

20. Sign and deliver handwritten copies of the **Police Accident Report** to the desk officer, precinct of occurrence, if prepared.
    a. Members assigned to outside commands will deliver any handwritten **Police Accident Reports** to the desk officer, precinct of occurrence.
21. Make complete digital **Activity Log** entry.

**COMMAND CLERK**

22. Make required entries in the FORMS MV – 104 system for **Police Accident Reports** prepared during the tour.

**DESK OFFICER**

23. Review and sign all handwritten copies and electronically sign-off on all digital copies of **Police Accident Reports** for collisions occurring in the command and ensure that required entries are made in the FORMS MV – 104 system on each tour.
    a. Ensure any deficiencies on **Police Accident Reports** are amended by the reporting officer during the tour.

***NOTE*** *The desk officer WILL NOT accept **Police Accident Reports** for collisions occurring in another command.*

24. Forward handwritten copies of **Police Accident Reports** to precinct traffic safety officer/designee.

**TRAFFIC SAFETY OFFICER/ DESIGNEE**

25. Review all **Police Accident Reports** (both handwritten and entered directly into the FORMS MV – 104 system).
    a. In absence of traffic safety officer, a uniformed member of the service authorized by the commanding officer, will review **Police Accident Reports**.
26. Inform training sergeant of any deficiencies found in either handwritten or electronically submitted **Police Accident Reports**.
27. After reviewing handwritten copies of **Police Accident Reports**:
    a. Ensure barcode coversheet is generated via FORMS MV – 104 system
    b. Ensure completed handwritten forms are scanned and electronically attached to digital entry by command clerk.
28. Send copies of **Police Accident Reports** marked "Duplicate Copies For" to appropriate agency in an addressed white envelope and forward envelope via Mail and Distribution Unit.
29. Fax copy of all **Police Accident Reports** involving a "crossover" collision to the Corporation Counsel and the Highway District.

**TRAFFIC SAFETY SERGEANT**

30. Monitor and review all **Police Accident Reports**.

***ADDITIONAL DATA***

*If collision involves an arrest for Driving While Intoxicated/Impaired, a copy of the **Police Accident Report** will be attached to court papers and delivered by the arresting officer to the assistant district attorney in the complaint room.*

*Prepare **Police Accident Report** in any vehicle collision case when the City is involved or an animal (horse, dog, domestic cattle, etc.) is killed or injured.*

*A personal injury bicycle collision, not involving a motor vehicle, is reported on a **Police Accident Report** as per Patrol Guide procedure 217-17, "Bicycle Collisions – General Procedure."*

*Members of the service will indicate the type of vehicle/bicycle involved in the collision and enter the appropriate information in the "Vehicle Type" caption on the **Police Accident Report**:*

*(a) SEDN - Passenger vehicle*
*(b) SUBN - Sport utility vehicle/station wagon*
*(c) VAN - Van*
*(d) PICK - Pick-up truck*
*(e) SCOM - Small commercial vehicle (four tires) (e.g., box truck, etc.)*
*(f) LCOM - Large commercial vehicle (six or more tires) (e.g., semi, tractor trailer, etc.)*
*(g) TAXI - Taxi vehicle*
*(h) LIV - Livery vehicle*
*(i) BUS - Bus*
*(j) AMBU - Ambulance*
*(k) FIRE - Firetruck*
*(l) MCY - Motorcycle*
*(m) SCOOT - Scooter*
*(n) BIKE - Bicycle*
*(o) PCAB - Pedicab*
*(p) UNK - Unknown*
*(q) OTH - Other.*

*Pending arrival of an ambulance, the uniformed member should allow a sick/injured person to be treated by a doctor, emergency medical technician or paramedic, if person volunteers his/her services, AND the uniformed member reasonably believes the volunteer is a professional. The medical attention should take place, if possible, under the observation of the member concerned. When the emergency situation is under control, request identification from volunteer, including name and address, and record information in digital **Activity Log** and under "Details" in **Police Accident Report**. The volunteer's role is limited to providing medical assistance ONLY. Determination regarding removal procedures via ambulance, Medevac, etc., will be determined by Emergency Medical Service personnel.*

*A **REQUEST FOR COPY OF COLLISION RECORD (PD301-165)** will be given to involved party upon request at any precinct stationhouse.*

*Members are reminded to be guided by P.G. 217-02, "Vehicle Collisions Which Result in Death, Serious Injury and Likely to Die, or Critical Injury," as necessary.*

***RELATED PROCEDURES***

*Intoxicated or Impaired Driver Arrest (P.G. 208-40)*
*Mandatory Driver's License Checks (P.G. 209-24)*
*Aided Cases General Procedure (P.G. 216-01)*
*Unidentified Persons (P.G. 216-03)*
*Vehicle Collisions Which Result in Death, Serious Injury and Likely to Die, or Critical Injury (P.G. 217-02)*
*Accidents and Collisions – City Involved (P.G. 217-04)*
*Department Vehicle Collisions (P.G. 217-06)*
*Collisions – Private Vehicles Authorized for Police Use (P.G. 217-07)*
*Bicycle Collisions – General Procedure (P.G. 217-17)*
*Vehicle Collision – Pedestrian/Bicyclist Right of Way Law (P.G. 217-18)*

***FORMS AND REPORTS***

***COLLISION INFORMATION EXCHANG(PD301-157)***
***IDENTIFICATION TAG (PD317-091)***
***REQUEST FOR COPY OF COLLISION RECORD (PD301-165)***
***Police Accident Report (MV104AN)***
***Truck and Bus Supplemental Police Accident Report (MV104S)***

NYPD

**PURPOSE** To investigate vehicle collisions in which death, serious injury and likely to die, or critical injury has occurred and to present facts to the District Attorney.

**DEFINITION** CRITICAL INJURY – A critical injury will be determined based upon the on-scene assessment of Emergency Medical Services (EMS) personnel.

**PROCEDURE** After responding to a vehicular collision in which death, serious injury and likely to die, or a critical injury has occurred, follow normal vehicle collision procedures and, in addition:

**UNIFORMED MEMBER OF THE SERVICE**

1. Detain drivers, occupants, vehicles involved, and witnesses.
2. Effect arrest and comply with *P.G. 208-40, "Intoxicated or Impaired Driver Arrest,"* if probable cause is immediately established that an operator is under the influence of alcohol and/or drugs.
3. Ensure operators of all vehicles involved in a motor vehicle collision resulting in death, serious injury and likely to die, or critical injury to a person, remain at the scene unless:
   a. A vehicle operator is removed from the scene for immediate medical attention or;
   b. Otherwise directed by a supervisor on the scene.
4. Ensure any other operator(s) remain at the scene pending the administration of a hand held Preliminary Breath Test (PBT) by a qualified member of the service assigned to the Highway District Collision Technician Group, Highway District Collision Investigation Squad, or authorized Highway Unit member.
   a. Observe operator(s) for any indication of impairment by alcohol and/or drugs.
   b. Effect arrest and comply with *P.G. 208-40, "Intoxicated or Impaired Driver Arrest,"* if probable cause is subsequently established that an operator is under the influence of alcohol and/or drugs.
   c. Transport prisoner directly to the designated testing location without undue delay so that the IDTU technician may commence testing within two hours from time of arrest in order to minimize the possibility of a reduced alcohol concentration level reading of a chemical test when administered.

***NOTE*** *A certified Drug Recognition Expert will conduct intoxicated/impaired driver screening and testing of all motorists involved in arrests resulting from a collision investigation scene as follows:*

*a. Conduct intoxicated/impaired driver screening on motorists arrested for a charge other than intoxicated or impaired driving when the arrest was made prior to the arrival of Highway District personnel (e.g., Vehicle and Traffic Law Section 511, Administrative Code Section 19-190 by precinct personnel, etc.)*

***NOTE (continued)***

*b. Conduct breath alcohol testing for all motorists arrested for intoxicated/impaired driving*

*c. Conduct blood testing for any motorist arrested for intoxicated/impaired driving and is hospitalized.*

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

5. Obtain name, address, home and business telephone numbers of any person who must leave the scene.
6. Confer with on–scene emergency medical service personnel to ascertain if any person involved in collision has been classified as critically injured as per FDNY EMS guidelines.
7. Request patrol supervisor to respond to scene.
8. DO NOT disturb collision scene unnecessarily.
   a. Mark position of vehicle and/or injured person with chalk, if person/vehicle must be moved.
9. Make digital **Activity Log** entry.

**PATROL SUPERVISOR**

10. Respond to collision scene.
11. Upon arrival at the collision scene where a death, serious injury and likely to die, or critical injury has occurred, request the response of:
    a. Precinct Detective Squad
    b. Highway District Collision Technician Group
    c. Highway District Collision Investigation Squad.
12. Notify desk officer and commanding officer/duty captain regarding circumstances of incident.
13. Notify Operations Unit if an extended closure of a roadway(s) is required or if perishable merchandise or current newspapers are involved.
14. If member of the service is involved and suspected of operating a motor vehicle under the influence of alcohol and/or any other intoxicant, immediately notify the commanding officer/duty captain.

**COMMANDING OFFICER/ DUTY CAPTAIN**

15. Confer with patrol supervisor regarding incident.
    a. Ensure criteria for a critical injury have been met, or in circumstances where criteria for a critical injury have not been met, determine whether the extent of injuries and/or unique circumstances of a collision warrant an investigation under the parameters of this procedure.
    b. Ensure appropriate units have been notified and are responding.
16. If a member of the service tests positive on a hand held Preliminary Breath Test (PBT) as listed in step "4" above, ensure said member is transported directly to the designated testing location without undue delay and ensure that the IDTU technician commences testing within two hours from time of arrest.

**PRECINCT DETECTIVE SQUAD MEMBER**

17. Interview witnesses and secure the crime scene pending arrival of the Highway District Collision Technician Group and the Highway District Collision Investigation Squad.

**HIGHWAY DISTRICT COLLISION TECHNICIAN GROUP MEMBER**

18. Conduct Standardized Field Sobriety Testing – Test Battery.
19. Request Preliminary Oral Fluid Drug Screening Samples from all operators involved in collision.
20. Administer Preliminary Breath Test (PBT) to all operators involved in collision.

***NOTE*** *A certified Drug Recognition Expert will be requested to respond through the Highway District to conduct intoxicated or impaired driver testing on all subjects arrested for any charge in connection with a collision investigation.*

21. Process collision scene.
22. Confer with Highway District Collision Investigation Squad member in regards to processing the collision scene.
23. Prepare **MOTOR VEHICLE COLLISION AND MECHANISM REPORT (PD301-151)**.

**HIGHWAY DISTRICT, COLLISION INVESTIGATION SQUAD MEMBER**

24. Notify and inform appropriate District Attorney's Office of preliminary facts of incident prior to the conclusion of the investigation.
25. Conduct on-scene collision investigation with Highway District Collision Technician Group member.
26. Prepare **WITNESS STATEMENT - VEHICLE COLLISION (PD301-061)**.
27. Prepare **Early Notification of Fatal Accident (MV-104EN)**, if appropriate, and fax to New York State Department of Motor Vehicles within twenty-four hours.
28. Prepare **Police Report for Fatal Motor Vehicle Accidents (MV-104D)**, if appropriate.
    a. Complete a separate **Police Report for Fatal Motor Vehicle Accidents** when more than one person in a motor vehicle collision is deceased or if more than three vehicles are involved in a fatal collision.
29. Forward copies of completed **Early Notification of Fatal Accident** and **Police Report for Fatal Motor Vehicle Accidents**, and all other reports prepared to the Highway District Collision Investigation Squad concerned.
30. Notify relatives or friends of the deceased in a timely manner, if applicable.

**DESK OFFICER, PRECINCT OF OCCURRENCE**

31. Have a separate **COMPLAINT REPORT (PD313-152)** prepared for each person killed, or seriously injured and likely to die, or received a critical injury as a result of the collision.
    a. Classify **COMPLAINT REPORT** either "Case Open-Investigate Motor Vehicle Collision/Fatal," or "Case Open-Investigate Motor Vehicle Collision/Serious Injury and Likely to Die/Critical Injury," as appropriate.
32. Record as "Referred to Collision Investigation Squad" and forward copies of **COMPLAINT REPORT**, as appropriate.

**DESK OFFICER, PRECINCT OF OCCURRENCE (continued)**

33. Ensure that notifications to relatives or friends are made in a timely manner and document the time and date of the notification as well as the name of member making notification under caption "NOTIFICATIONS" on the **Police Accident Report (MV104AN)**.
    a. Ensure above notifications are made by the Highway District Collision Investigation Squad when a vehicle collision has resulted in a death.

**HIGHWAY DISTRICT COLLISION TECHNICIAN GROUP MEMBER**

34. Forward all reports, including any subsequent reports directly related to collision investigation, to the Highway District Collision Investigation Squad.

***ADDITIONAL DATA***

*OPERATIONAL CONSIDERATIONS*

*The Highway District Collision Technician Group and the Highway District Collision Investigation Squad investigators will maintain an open dialogue to ensure a proper and successful investigation is conducted.*

*A designated member of the Highway District Collision Investigation Squad will coordinate the investigation and presentation of facts to District Attorney concerned.*

*When a precinct desk officer is notified that a person who sustained an apparent minor injury in a vehicle collision (**COMPLAINT REPORT** was NOT prepared) has died as a result of the collision, a **COMPLAINT REPORT** and a supplementary **Police Accident Report** will be prepared. The **COMPLAINT REPORT**, supplementary **Police Accident Report** and a copy of the original **Police Accident Report** will be forwarded to the Collision Investigation Squad concerned. Additionally, the Collision Investigation Squad concerned will also be notified by telephone.*

*When making a determination as to when an extended roadway closure should be placed into effect in order to assist in a collision investigation (including the length of time a closure will remain in effect and whether or not to partially or fully close the roadway), the severity of injuries sustained by the individual(s) involved should be weighed versus other contributing factors (i.e., the time and day of occurrence, the specific type of roadway involved [e.g., arterial highway, major thoroughfare, etc.], the ability to effectively detour traffic and the need to preserve evidence at the scene). Operations Unit personnel will ensure that the Traffic Management Center is aware of any closures involving an arterial highway.*

*If a moving violation summons is issued and the violation resulted in a collision that caused the death or serious physical injury of someone other than the violator, the summonsing officer must write "D" for death or "SPI" for serious physical injury in the "Description/Narrative" section of the summons.*

***ADDITIONAL DATA (continued)***

*LEGAL CONSIDERATIONS*

*In accordance with Vehicle and Traffic Law, Section 1194.1 subsection (b), when requested to do so, all operators of vehicles involved in motor vehicle accidents are required to submit to a breath test for alcohol.*

*As there are no legal requirements to submit to a Preliminary Oral Fluid Screening Test, operators refusing to be screened may not be penalized, as would be the case if refusing a breathalyzer, and no paperwork should be forwarded to the Department of Motor Vehicles. Finally, oral fluid for the purpose of conducting the screening test may not be collected from unconscious individuals unable to consent, as this would constitute a warrantless search subjecting any evidence collected to suppression.*

***RELATED PROCEDURES***

*Aided Cases General Procedure (P.G. 216-01)*
*Vehicle Collisions - General Procedure (P.G. 217-01)*
*Vehicle Collisions Which Result in Death, Serious Injury and Likely to Die, or Critical Injury – Mechanical Defect Involved (P.G. 217-03)*
*Intoxicated or Impaired Driver Arrest (P.G. 208-40)*
*Chemical Test Warrant Application (P.G. 217-16)*
*Bicycle Collisions – General Procedure (P.G. 217-17)*

***FORMS AND REPORTS***

***COMPLAINT REPORT (PD313-152)***
***MOTOR VEHICLE COLLISION AND MECHANISM REPORT (PD301-151)***
***WITNESS STATEMENT - VEHICLE COLLISION (PD301-061)***
***STANDARDIZED FIELD SOBRIETY TEST NOTES (PD383-141)***
***Police Accident Report (MV104AN)***
***Early Notification of Fatal Accident (MV-104EN)***
***Police Report for Fatal Motor Vehicle Accidents (MV-104D)***

| Section: Vehicle Collisions | | Procedure No: 217-03 | |
|---|---|---|---|
| **VEHICLE COLLISIONS WHICH RESULT IN DEATH, SERIOUS INJURY AND LIKELY TO DIE, OR CRITICAL INJURY– MECHANICAL DEFECT INVOLVED** | | | |
| DATE ISSUED: 08/19/13 | DATE EFFECTIVE: 08/19/13 | REVISION NUMBER: | PAGE: 1 of 2 |

**PURPOSE** To examine a vehicle involved in a collision which has resulted in death, serious injury and likely to die, or critical injury to an individual to ascertain if the vehicle is mechanically defective.

**DEFINITION** CRITICAL INJURY – A critical injury will be determined based upon the on-scene assessment of Emergency Medical Services (EMS) personnel.

**PROCEDURE** When a vehicle has been involved in a collision which has resulted in death, serious injury and likely to die, or critical injury to an individual, and either the operator indicates or Highway Unit personnel suspect that the vehicle has a mechanical defect:

**HIGHWAY UNIT OFFICER**

1. Prepare **MOTOR VEHICLE COLLISION AND MECHANISM REPORT (PD301-151)**.
   a. Prepare **WITNESS STATEMENT-VEHICLE COLLISION (PD301-061)**, if appropriate.
2. Prepare the **Early Notification of Fatal Accident (MV-104EN)**, if appropriate, and fax to New York State Department of Motor Vehicles within twenty-four hours.
3. Prepare the **Police Report for Fatal Motor Vehicle Accidents (MV-104D)**, if appropriate.
   a. Complete a separate **Police Report for Fatal Motor Vehicle Accidents** when more than one person in a motor vehicle collision is deceased or if more than three vehicles are involved in a fatal collision.
4. Forward copies of completed **Early Notification of Fatal Accident** and **Police Report for Fatal Motor Vehicle Accidents** to the Collision Investigation Squad concerned.
5. Report facts to desk officer, precinct of occurrence, and to assigned member of Collision Investigation Squad.

**UNIFORMED MEMBER OF THE SERVICE**

6. Summon Department tow truck and have vehicle removed to Department facility.
7. Prepare **PROPERTY CLERK INVOICE WORKSHEET (PD521-141A)**.

**DESK OFFICER, PRECINCT OF OCCURRENCE**

8. Enter rank, name, and shield number of Highway Unit officer in the Command Log.
   a. Note in entry if mechanical defect is a possible factor in collision.
9. Make reference to Command Log entry on **Police Accident Report (MV104AN)**.
10. Have **PROPERTY CLERK INVOICE (PD521-141)** prepared from **WORKSHEET**, review and digitally sign.

**DESK OFFICER/ SUPERVISOR AT DEPARTMENT FACILITY**

11. Do not permit removal of vehicle if required as evidence or until the defect has been corrected.
12. Obtain signed statement from person correcting mechanical defect and file in Property Receipt Book.
13. Permit removal of vehicle only by properly equipped tow truck if defect is not corrected, provided vehicle is not required as evidence.

***RELATED PROCEDURES***

*Vehicle Collisions - General Procedure (P.G. 217-01)*
*Vehicle Collisions Which Result in Death, Serious Injury and Likely to Die, or Critical Injury (P.G. 217-02)*

***FORMS AND REPORTS***

***MOTOR VEHICLE COLLISION AND MECHANISM REPORT (PD301-151)***
***PROPERTY CLERK INVOICE (PD521-141)***
***PROPERTY CLERK INVOICE WORKSHEET (PD521-141A)***
***WITNESS STATEMENT-VEHICLE COLLISION (PD301-061)***
***Police Accident Report (MV104AN)***
***Early Notification of Fatal Accident (MV-104EN)***
***Police Report for Fatal Motor Vehicle Accidents (MV-104D)***

**PURPOSE** To assist the City in processing cases in which the City may be a plaintiff or defendant.

**DEFINITION** CITY INVOLVED - Any reported incident involving personal injury and/or property damage which may involve the City in a civil action.

**PROCEDURE** When it is determined that the City may be involved in a civil suit as a result of an accident or vehicle collision:

**UNIFORMED MEMBER OF THE SERVICE**

1. Prepare **Police Accident Report (MV104AN)** if collision and check appropriate boxes under caption "DUPLICATE COPY REQUIRED FOR," OR
   Prepare **AIDED REPORT** 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** contains an indication that City is involved and name of City agency involved.
3. Inform persons involved that a claim against the City arising from the incident must be filed with the Comptroller of the City of New York within ninety days.
4. Submit **REPORTS** to desk officer.

**DESK OFFICER**

5. Review and sign reports, as appropriate.
6. Review and approve **AIDED REPORT**, if applicable.
7. Forward:
   a. **Police Accident Report** in normal manner
   b. **ACCIDENT REPORT - CITY INVOLVED** as per instructions on form.
      (1) Dispose of buff agency copy if Police Department is the **ONLY** agency involved.
      (2) Determine City agency involved as indicated below:

| CONDITION | AGENCY |
|---|---|
| ➢ Traffic signs, stanchions, signal lights, etc. | ➔ Department of Transportation. |
| ➢ Property damage on roadway under jurisdiction of Department of Parks, or trees damaged on parkland, City streets, or on any other public property owned by the City of New York. | ➔ Department of Parks. |

| CONDITION | AGENCY |
|---|---|
| ➢ Damaged fire alarm box/post. | ➔ New York City Fire Department, Actions and Claims Unit. |
| ➢ Lampposts. | ➔ Department of Transportation. |
| ➢ Damage to parkway, through park road, highway, stone wall, curb, fence, guide rail, post, etc. | ➔ Department of Transportation, Bureau of Highways, Legal Department. |
| ➢ Accidents on or in immediate vicinity of a ferry, bridge, tunnel, dock, airport or seaplane base. | ➔ Agency concerned. |
| ➢ City hydrants | ➔ Department of Environmental Protection and the New York City Fire Department, Actions and Claims Unit. |
| ➢ School bus collision | ➔ Department of Education, Office of Pupil Transportation. |
| ➢ Property damage occurring on or emanating from transit facilities (e.g., falling debris from elevated MTA line) | ➔ NYC Transit Law Department |

***ADDITIONAL DATA***

*OPERATIONAL CONSIDERATIONS*

*It is not unusual for claims to arise in favor of the City in certain accidents and vehicle collisions. It is the policy of the City to pursue such claims. Members of the service at the scene of an incident involving the City will detail circumstances which may support claims by the City against private entities. Additionally, members will obtain names and addresses of witnesses at the scene, including potential witnesses favorable to the City. Full cooperation with the involved City agency or the Law Department in pursuing these claims is mandatory.*

***FORMS AND REPORTS***

***ACCIDENT REPORT - CITY INVOLVED (PD301-155)***
***AIDED REPORT***
***Police Accident Report (MV104AN)***

**PURPOSE** To investigate reports of leaving the scene of vehicle collisions.

**PROCEDURE** Upon arrival at scene of a vehicle collision involving personal injury and/or property damage, and the operator of one of the vehicles has fled the scene without reporting, follow *P.G. 217-01 "Vehicle Collisions – General Procedure"* and:

**UNIFORMED MEMBER OF THE SERVICE**

1. Prepare **COMPLAINT REPORT WORKSHEET** (**PD313-152A**), unless the operator of a vehicle that left the scene of a collision (PROPERTY DAMAGE ONLY) is apprehended and issued a summons for the traffic offense of Leaving the Scene of a Collision Without Reporting, prior to preparation of a **COMPLAINT REPORT WORKSHEET**.

IF NEW YORK REGISTRATION NUMBER IS OBTAINED

**UNIFORMED MEMBER OF THE SERVICE**

2. Query NYSPIN through the FINEST system to determine if vehicle is reported stolen.
   a. DO NOT give complainant hard copy.
   b. Provide information utilizing **COLLISION INFORMATION EXCHANGE (PD301-157)**.
3. Obtain name and address of registered owner.
4. Give information to complainant.

IF VEHICLE REGISTERED IN ANOTHER STATE

**UNIFORMED MEMBER OF THE SERVICE**

5. Query NYSPIN through the FINEST System to determine identity of registered owner.
   a. Request information needed through an adjoining command, if the command FINEST System is inoperable.
6. Provide complainant with information, if identity of owner is obtained.

***ADDITIONAL DATA***

*OPERATIONAL CONSIDERATIONS*

*In determining whether a case should be closed or referred to the detective squad, the following criteria should be considered:*

*a. Extent of damage*
*b. Whether the facts or degree of damage indicate operator intentionally left scene knowing he caused damage*
*c. Availability of witnesses to testify*
*d. Timeliness of complaint*
*e. Whether the report is being made for prosecution or insurance purposes*
*f. Other relevant factors which would have a bearing on this determination.*

***ADDITIONAL DATA (continued)***

*In PROPERTY DAMAGE ONLY cases, a summons returnable to the Traffic Violations Bureau may be served even though the member did not observe the offense (see Vehicle and Traffic Law, Section 602).*

***RELATED PROCEDURES***

*Vehicle Collisions - General Procedure (P.G.217-01)*
*Vehicle Collisions Which Result in Death, Serious Injury and Likely to Die, or Critical Injury (P.G. 217-02)*
*Conditions of Service (P.G. 209-01)*

***FORMS AND REPORTS***

***COLLISION INFORMATION EXCHANGE (PD301-157)***
***COMPLAINT REPORT WORKSHEET (PD313-152A)***

NYPD

**PURPOSE** To record and determine the causes of collisions involving Department vehicles, including vehicles leased or rented by the Department and/or issued to the Department by any Federal/State/City agency, and recommend corrective action.

**DEFINITION** INVESTIGATING SUPERVISOR – For the purpose of this procedure, the investigating supervisor will be as follows:

a. The precinct commanding officer/duty captain will respond and act as the investigating supervisor and complete part "A" of the **COLLISION REPORT - POLICE DEPARTMENT VEHICLE (PD301-153)**, if the collision involves death or serious injury to anyone

b. The patrol supervisor, precinct of occurrence or a supervisory officer from the involved member's command, if available, will respond and act as the investigating supervisor and complete part "A" of the **COLLISION REPORT - POLICE DEPARTMENT VEHICLE**, if collision involves property damage only and/or a non-serious injury is sustained by either a member of the service or a civilian.

**PROCEDURE** When a Department vehicle is involved in a collision:

**MEMBER OF THE SERVICE**

1. Request ambulance, if necessary.
2. Request operator, occupants and witnesses to remain pending arrival of patrol supervisor.
   a. Obtain name, address, home and business telephone numbers of persons involved and witnesses.
3. Request patrol supervisor, precinct of occurrence, to respond.
   a. If not available, Communications Section will notify patrol supervisor, adjoining precinct to respond.

***NOTE*** *If the operator of the Department vehicle is assigned to other than the precinct of occurrence, a supervisory officer from the involved member's command, if available, will perform the duties of the patrol supervisor.*

4. Prepare **Report of Motor Vehicle Accident (MV104)** in all cases.
   a. If incapacitated, the patrol supervisor will prepare the **Report of Motor Vehicle Accident**, in addition to other forms.

***NOTE*** *The Police Department, the City Law Department, or their designee, will pursue claims against private entities that are at fault in Department vehicle collisions. Details concerning the cause of the collision including the names of witnesses favorable to the City will be carefully documented on Department forms. A summons will be issued to the operator of a private vehicle if the patrol supervisor determines it is appropriate. A SUMMONS WILL NOT BE ISSUED TO AN OPERATOR OF A DEPARTMENT VEHICLE.*

**PATROL SUPERVISOR, PRECINCT OF OCCURRENCE**

5. Respond to scene and ascertain details of collision.
6. Assume role as investigating supervisor or request the response of the appropriate investigating supervisor, as defined in the "DEFINITION."
7. Notify desk officer of details of collision.
8. Notify the Operations Unit promptly if a member of the service is injured and requires hospital treatment.
   a. An additional notification to the Operations Unit is also required before final reports are prepared to update Operations of the status of the injured member of the service.

**DESK OFFICER, PRECINCT OF OCCURRENCE**

9. Notify commanding officer to respond to scene of collision, when applicable.
10. Notify patrol borough command of collision AND
    a. Request duty captain to respond, when applicable.
    b. Enter notification and borough collision number obtained in Telephone Record.

***NOTE***

*If preliminary investigation discloses that the driver committed a moving violation or if a fatality occurs, and the driver is a civilian member of the service required to have a Commercial Driver's License (CDL), he/she will be required to submit to alcohol and drug testing. The desk officer concerned will contact the Medical Division, Monday through Friday, 0700 hours to 1600 hours, within one hour of the incident. All other times, contact the Medical Division Sick Desk. The desk officer will be informed as to the location where the member must be taken for drug and alcohol testing, and will comply with the instructions of the Medical Division supervisor. The member involved MUST remain available for drug and alcohol testing. Unless unavailability is the result of necessary emergency care, a member's failure to be available will be considered a refusal to submit to alcohol and drug testing and will result in disciplinary or other appropriate action.*

**MEMBER ON DUTY, PATROL BOROUGH OFFICE**

11. Record in Borough Department Vehicle Collision Log:
    a. Date, time, precinct of occurrence, location, borough collision number, rank, name and command of supervisor preparing **Police Accident Report**.
12. Notify the duty captain to respond to scene of collision, when requested.
    a. If duty captain is unable to respond notify available captain (or above) performing duty in borough.
13. Fax consolidated daily Department Vehicle Collision reporting forms directly to the Personnel Safety Desk.
    a. Commanding officers will ensure that these reports are submitted no later than 0700 hours each day.

**INVESTIGATING SUPERVISOR**

14. Respond to scene of collision.
    a. Comply with *P.G. 221-03, "Reporting and Investigation of Force Incident or Injury to Persons During Police Action,"* when:
       (1) A person in police custody is injured as a result of the Department vehicle collision (e.g., collision occurred while transporting a prisoner to court, etc.)

**INVESTIGATING SUPERVISOR (continued)**

(2) Any person is injured as the result of a Department vehicle pursuit

(3) Any person is injured as a result of a member of the service attempting to stop a vehicle or apprehend a suspect.

15. Conduct canvass for witnesses and for any video surveillance that may have captured the collision.
16. Interview all persons involved, including witnesses.
17. Secure copy of video surveillance, if available.
    a. Ensure copy of video surveillance is placed in Jewelry Security Envelope.
    b. Ensure copy of video surveillance is invoiced as property category "INVESTIGATORY EVIDENCE" utilizing the Property and Evidence Tracking System.
        (1) Select "MOS INVOLVED" caption.
        (2) Enter in "Remarks" section "Do not destroy without the authorization of the Commanding Officer, Legal Bureau."
18. Notify precinct detective squad for assistance, if video is available but not accessible due to technical difficulties.
    a. If precinct detective squad cannot retrieve video, notify Technical Assistance and Response Unit.
19. Prepare Part "A" of **COLLISION REPORT - POLICE DEPARTMENT VEHICLE**, personally.
    a. Record the issuing agency and vehicle information in the "Preliminary Statement of Investigating Supervisor" caption if the vehicle involved was issued by a Federal/State/City agency.
    b. Ensure captions regarding video surveillance are completed.
20. Make a preliminary determination as to the cause of the collision and record on **COLLISION REPORT - POLICE DEPARTMENT VEHICLE**.
    a. Consider the actions taken by both the operator and recorder in determining cause of collision.
    b. If preliminary investigation reveals that Department vehicle operator was at fault, a statement describing member's fault shall be included in the **COLLISION REPORT - POLICE DEPARTMENT VEHICLE**. Any action taken by the recorder or omitted actions will also be noted.
21. Ensure that cause(s) of collision is correctly identified and recorded on both the **Police Accident Report** and **COLLISION REPORT - POLICE DEPARTMENT VEHICLE**.
22. Sign the completed **COLLISION REPORT - POLICE DEPARTMENT VEHICLE**.
    a. Send a photocopy of **COLLISION REPORT - POLICE DEPARTMENT VEHICLE** to the Commanding Officer, Risk Assessment Unit, if any video has been invoiced.
23. Deliver **COLLISION REPORT - POLICE DEPARTMENT VEHICLE** along with copy of **PROPERTY CLERK INVOICE (PD521-141)** for video, if applicable, to desk officer, precinct of occurrence.

***NOTE*** *If preliminary investigation discloses that any operator committed a serious traffic violation, as defined in P.G. 217-01, "Vehicle Collisions - General Procedure," and there is a person who sustained serious physical injury, the patrol supervisor is to administer a Preliminary Breath Test (PBT) to the member of the service operator (unless operator is removed from the scene for immediate medical attention), if qualified to do so. If not qualified, the patrol supervisor will request the response of a qualified Highway Unit supervisor to administer the PBT. If probable cause is established that the member of the service operator is under the influence of alcohol and/or drugs, effect arrest, immediately notify IAB, and comply with P.G. 208-40, "Intoxicated or Impaired Driver Arrest." Furthermore, the patrol supervisor will ensure civilian operators are requested to submit to a PBT, unless operator is removed from the scene for immediate medical attention.*

**PATROL SUPERVISOR, PRECINCT OF OCCURRENCE**

24. Prepare **Police Accident Report (MV104AN**) in quadruplicate.
    a. Fill in each numbered box with the proper entry as determined from the corresponding code list on the cover sheet of **Police Accident Report**. If question does not apply, enter "dash" (-). If proper entry for any question is unknown, enter an "X" in the corresponding box.
    b. If injury is involved, include statement on **Police Accident Report** as to whether the airbag inflated and deployed, if applicable.
    c. Indicate if collision occurred when responding to an emergency. If so, state what warning devices were being used (e.g., siren, dome light, etc.).
    d. Enter member's command and address of that command under caption "Operator's Address."
    e. Print in large letters "POLICE INVOLVED" at top of form under caption "Police Accident Report."
    f. Have two sets of photographs taken of all Department vehicle collisions showing damage to all vehicles involved. If collision involves death or injury, photographs will be taken at scene, if possible.
        (1) Photographs will be secured in a Jewelry Security Envelope.

***NOTE*** *If a uniformed member of the service was operating a police vehicle during an "emergency operation" as defined by Section 114-b of the Vehicle and Traffic Law, supervisors preparing the* ***Police Accident Report*** *should enter a capital letter "P" in a circle next to the name of the Department vehicle operator near the top of the report and use the following text in the "Accident Description/Officer's Notes" section of the* ***MV104AN****: "The collision occurred in a police vehicle owned/operated by the New York City Police Department while responding to an emergency situation." Emergency operation as defined by Section 114-b of the Vehicle and Traffic Law states "the operation, or parking, of an authorized emergency vehicle, when such vehicle is engaged in transporting a sick or injured person, transporting prisoners, delivering blood or blood products in a situation involving an imminent health risk, pursuing an actual or suspected violator of the law, or responding to, or working or assisting at the scene of an accident, disaster, police call, alarm of fire, actual or potential release of hazardous materials or other emergency. Emergency operation shall not include returning from such service."*

25. Prepare and sign **Report of Motor Vehicle Accident**, **Police Line of Duty Accident (MV104L)**.
    a. Attach completed form to **Police Accident Report** prior to forwarding.

***NOTE*** *Failure to report a collision to the Commissioner of Motor Vehicles by not forwarding a* ***MV104L*** *is a misdemeanor and shall constitute grounds for the suspension or revocation of the member of the service driver's license.*

**PRECINCT COMMANDING OFFICER/ DUTY CAPTAIN**

26. Review **Police Accident Report** prepared by the patrol supervisor.
    a. If collision involves death or serious injury, record under caption "Accident Description/Officer's Notes" reviewed by rank, name and command, and sign.
27. Determine justification of summons, if issued, when death or serious injury is involved.
    a. Comply with *P.G. 209-18, "Summons Served or Prepared in Error"* if summons is not justified.

**PATROL SUPERVISOR, PRECINCT OF OCCURRENCE**

28. Deliver one completed copy of **Police Accident Report** to operator of Department vehicle involved in collision.

**DESK OFFICER, PRECINCT OF OCCURRENCE**

29. Notify patrol borough office of rank, name and command of supervisor who prepared the **COLLISION REPORT - POLICE DEPARTMENT VEHICLE**.
30. Notify Fleet Services Division and obtain Police Collision Serial Number.
31. Enter serial number assigned prefaced by caption "Police Collision Serial Number" at top of **Police Accident Report**.
    a. Enter serial number in designated box on **COLLISION REPORT - POLICE DEPARTMENT VEHICLE**.
32. Fax both sides of the **Police Accident Report**, **Report of Motor Vehicle Accident**, **Police Line of Duty Accident** and **COLLISION REPORT - POLICE DEPARTMENT VEHICLE**, immediately after serial numbers are obtained from the On Line Accident System, Fleet Services and borough offices, without the final agency determination captions completed, to the Personnel Safety Desk, twenty-four hours a day. No coversheet is necessary.
    a. During business hours (0700 x 1830 hours), confirm receipt by calling the Personnel Safety Desk. If the transmission of reports cannot be completed, a photocopy of the reports will be left for the relieving desk officer to fax on the next tour. Commands with inoperative fax machines will utilize a fax machine in the closest Department facility. It will be the desk officer's responsibility to ensure that this information is expeditiously faxed to the Personnel Safety Desk on the same tour in which the collision occurred, if possible. Ensure, prior to faxing, that the aforementioned reports are completed in a legible and accurate manner.
33. Indicate on **Police Accident Report** under caption, "Duplicate Copy Required For," agencies that are to receive a copy of the Report.
    a. Enter command, if vehicle is permanently assigned to other than precinct of occurrence.

**DESK OFFICER, PRECINCT OF OCCURRENCE (continued)**

34. Send Department vehicle involved in collision (even if no apparent damage) to borough service station with copy of **Police Accident Report** and set of collision photos attached.
    a. Do not place vehicle in service until inspected at service station.
        (1) Have speedometer tested before vehicle is used to enforce speed regulations.
        (2) Notify speedometer-testing station if vehicle will be out of service for an extended period.
35. Attach copy of **Police Accident Report**, copy of **PROPERTY CLERK INVOICE**, if applicable, and photographs to **COLLISION REPORT - POLICE DEPARTMENT VEHICLE** and forward to precinct executive officer for endorsement.
36. Forward original copy of **Police Accident Report** to traffic safety officer for review and processing.

**PRECINCT EXECUTIVE OFFICER**

37. Convene a Precinct Vehicle Collision Safety Review Board within twenty days of a vehicle collision and review **COLLISION REPORT - POLICE DEPARTMENT VEHICLE**, photographs, video (if available) and any related reports prepared.
    a. Have the Personnel Safety Desk contacted to ascertain the number of Department vehicle collisions in which the operator concerned has been involved.
    b. The Board will be composed of:
        Precinct executive officer (chairperson)
        Lieutenant platoon commander or special operations lieutenant
        Integrity control officer or assistant integrity control officer
        Precinct training sergeant
        Traffic safety officer or designee
        Peer member (rank of operator)
        Supervisor from operator's command (if other than precinct of occurrence).

***NOTE*** *When the vehicle operator being reviewed is above the rank of captain, the patrol borough executive officer will be the chairperson of the board.*

38. Indicate Precinct Vehicle Collision Safety Review Board recommendation by completing part "B" of **COLLISION REPORT - POLICE DEPARTMENT VEHICLE**.

***NOTE*** *If the precinct executive officer is unavailable, the precinct commanding officer shall be the chairperson of the board.*

*Factors that led to determination and explanation of delays if board is not convened within twenty days of collision will be the subject of TrafficStat meetings.*

**PRECINCT COMMANDING OFFICER**

39. Ensure that the Precinct Collision Safety Review Board process was conducted properly and in a timely fashion, and complete part "C" of **COLLISION REPORT – POLICE DEPARTMENT VEHICLE**, indicating Approval/Disapproval of the precinct executive officer's recommendation.

***NOTE*** *IN ALL CASES, THE FINAL AGENCY DETERMINATION WILL BE MADE BY THE COMMANDING OFFICER OF THE PRECINCT OF OCCURRENCE.*

40. Endorse all reports.
    a. Forward white copy of **COLLISION REPORT – POLICE DEPARTMENT VEHICLE**, with photographs, copy of **Police Accident Report**, and any related reports, to Personnel Safety Desk within thirty days of the collision.
    b. Forward buff copy of **COLLISION REPORT - POLICE DEPARTMENT VEHICLE**, copy of **Police Accident Report**, and any related reports, to patrol borough office for review of information only.
    c. File pink copy of **COLLISION REPORT - POLICE DEPARTMENT VEHICLE** in operator's personal folder.

***NOTE*** *The commanding officer of the member concerned must review the **COLLISION REPORT – POLICE DEPARTMENT VEHICLE** prior to having it filed in the operator's personal folder.*

    d. File copies of all reports prepared at precinct, in chronological order, under the heading "Department Vehicle Collisions."

***NOTE*** *All Department vehicle collision cases, regardless of the command of the operator, will be heard at the precinct of occurrence by the Precinct Vehicle Collision Safety Review Board.*

*In cases where the Department vehicle collision involved a member assigned to other than the precinct of occurrence, the precinct commanding officer will notify the command/bureau of the member of the service involved that the command/bureau concerned MUST have a supervisor attend the Precinct Vehicle Collision Safety Review Board.*

*Members of the service assigned to the Highway District will be exempt from going through the Precinct Vehicle Safety Review Board or attending retraining by the Driver Education and Training Unit. When a member of the Highway District is involved in a Department vehicle collision, the Highway District will convene a Highway Vehicle Safety Review Board, and if it is deemed that the member needs retraining, the Highway Driver Training School will conduct the retraining.*

41. Implement disciplinary (or other) action, if warranted.
42. Develop a collision reduction program for the command and report progress to the patrol borough command concerned.

**PATROL BOROUGH EXECUTIVE OFFICER**

43. Be accountable for compliance with this procedure AND:
    a. Ensure timely convening of the Precinct Vehicle Collision Safety Review Board

**PATROL BOROUGH EXECUTIVE OFFICER (continued)**

b. Chair the Precinct Vehicle Collision Safety Review Board when member being reviewed is above the rank of captain

c. Ensure that final "at fault" determinations are accurately made and recorded on the **COLLISION REPORT – POLICE DEPARTMENT VEHICLE**

d. Ensure that completed reports are forwarded to the Personnel Safety Desk within thirty days of the collision

e. Ensure that members found "at fault" are scheduled for and attend re-training within ninety days (when appropriate). Names of members who require re-training should be forwarded to the bureau training coordinator so that training slots can be distributed appropriately.

***NOTE***

*In those cases where the Precinct Vehicle Collision Safety Review Board was chaired by the borough executive officer, the patrol borough commanding officer will provide the review function outlined in step "43(c)" above.*

**ASSIGNED MEMBER, LEGAL BUREAU**

44. Comply with *P.G. 218-55, "Retention of Invoiced Property"* and submit a **REQUEST FOR RETENTION (PD521-169)**, utilizing the Property and Evidence Tracking System, if copy of video surveillance of Department collision is required to be held by the Property Clerk Division for more than one year.

a. Perform a separate **REQUEST FOR RETENTION** for each associated **PROPERTY CLERK INVOICE**.

b. Ensure retention request is updated on a yearly basis.

***ADDITIONAL DATA***

*OPERATIONAL CONSIDERATIONS*

*Report vandalism to a Department vehicle on **Typed Letterhead** to Fleet Services Division and deliver report to borough service station with vehicle.*

*The Personnel Safety Desk will forward a copy of reports received to Police Academy, Driver Education and Training Unit.*

*Operators of Department vehicles involved in a collision are advised to stop the vehicle immediately, extinguish any cigarettes, utilize four-way flashers, raise the vehicle's hood and utilize flares or any other warning devices. The vehicle should be moved only if its location is hazardous and likely to cause additional collisions.*

*When deemed appropriate, if collision involves death or serious injury, the responding precinct commanding officer/duty captain may immediately direct that the operator and/or recorder not be assigned to duty in a Department vehicle, if such action is based upon their determination, after investigation at the scene. This immediate action, as well as any further action, will be subject to review by the members' precinct/unit commanding officer. All proposed disciplinary action will be indicated on the **COLLISION REPORT - POLICE DEPARTMENT VEHICLE** as a recommendation.*

*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.*

***ADDITIONAL DATA (continued)***

*If Department vehicle involved in collision is not permanently assigned to precinct of occurrence, send duplicate copies of* ***Police Accident Report*** *and* ***COLLISION REPORT - POLICE DEPARTMENT VEHICLE*** *to commanding officer concerned.*

*If a collision occurs with a Department vehicle outside the confines of New York City, the operator of vehicle is to notify the Operations Unit and provide particular details of accident (i.e., vehicle number, operator information, additional occupants, if any injuries, etc.). The operator of said vehicle is to request the response of the appropriate police agency of the jurisdiction concerned in order for the completion of all necessary paperwork as required by New York State. All other Department specific required paperwork is to be completed by a uniformed supervisor of member concerned and forwarded as outlined in this procedure. When possible, member concerned is to take photographs of damage to all vehicles involved, utilizing a Department cell phone or other Department device, or by any other means available.*

*All bureaus (e.g., Detective, Transit, Housing, etc.) should designate a supervisory member of the service to review reports involving members of their command.*

*All bureau executive officers should review the semi-annual Department Vehicle Collision Summary report prepared by the Personnel Bureau and, where needed, develop appropriate collision reduction programs specific to their bureaus.*

*If the need to interview a member of the service under the provisions of P.G. 206-13, "Interrogation of Members of the Service" becomes apparent and a serious violation is alleged or sufficient justification is present, although the violation is minor, a member will be permitted sufficient time to have a representative respond prior to start of interview.*

*Members of the service who were involved in Department vehicle collisions in which it has been determined that the member's driving ability was a contributory factor to the incident would benefit from the Driver Education and Training Unit's "Collision Retraining Course." However, depending upon the circumstances, other corrective measures such as disciplinary action may be more appropriate. Therefore, to ensure that only those members who would benefit are scheduled for retraining, the following guidelines are offered:*

*Driver retraining should be implemented only if the operator of a Department vehicle is determined to be at fault due to a driving deficiency based on factors such as:*

*a. weather conditions which affect the road surface*
*b. loss of control*
*c. backing*
*d. fender judgment*
*e. mirror usage (vans)*
*f. avoiding obstructions, debris, potholes*
*g. braking*
*h. turn negotiation*

*The precinct/unit commanding officer will be responsible for ensuring that appropriate individuals attend collision retraining within* ***<u>ninety days</u>*** *of the collision. These provisions will be strictly adhered to absent exigent circumstances, i.e., extended sick leave or other valid reasons preventing timely retraining.*

*Commanding officers are reminded that the Driver Education and Training Unit is a tool best utilized to improve a member's overall driving performance. It should not be viewed as disciplinary action. The Commanding Officer, Driver Education and Training Unit, is available to all commanding officers for conferral whether scheduling a specific member for retraining would be appropriate.*

***ADDITIONAL DATA (continued)***

*New York State Vehicle and Traffic Law section 1104(a) allows the driver of an authorized emergency vehicle, when involved in an emergency operation, to disregard regulations with certain conditions. These conditions include proceeding past a steady red signal, but only after slowing down as may be necessary for safe operation, or exceeding the maximum speed limits as long as life and property are not endangered. However, it should be noted that disciplinary action would be more appropriate than driver retraining for those members who are involved in vehicle collisions which occurred as a result of their unsafe disregard of such regulations, as opposed to the member merely having deficient driving skills.*

*Amounts of property damage sustained are often unable to be determined in a timely fashion, and whether an injury has in fact occurred, or will be claimed at a future date, is often undetermined. Therefore, patrol supervisors of uniformed members of the service involved in a Department vehicle collision will prepare a **MV104L**. The **MV104L** will be prepared at the time of the collision and attached to the **Police Accident Report** prior to forwarding. Civilian members of the service involved in a Department vehicle collision will prepare **MV104**. The **MV104** will be prepared at the time of the collision and should the member of the service involved be incapacitated and unable to complete the form, the patrol supervisor will do so. (This is in addition to the **Police Accident Report** prepared by the patrol supervisor.) Failure to report a collision by a civilian member of the service to the Commissioner of Motor Vehicles by not forwarding a copy of a **MV104** is a misdemeanor and shall constitute grounds for the suspension or revocation of the member's driver's license.*

*In accordance with New York State Department of Financial Services regulations, the operator of a Department vehicle may not be penalized (charged) by a private insurance company for a Department vehicle collision that occurred during the performance of duty. Likewise, insurance companies may not cancel a member of the service's personal automobile insurance policy on the basis of such collisions.*

*In the event that a member of the service's private automobile insurance policy is surcharged, cancelled or not renewed unjustifiably as a result of a Department vehicle collision, such member should notify their commanding officer. The commanding officer concerned will prepare an **OFFICIAL LETTERHEAD (PD158-151)** to the insurance company concerned (see sample). The member concerned should also contact:*

*New York State Department of Financial Services*
*One State Street*
*New York, New York 10004*

***ADDITIONAL DATA (continued)***

***Sample***

*(Date)*

*(Rank) (Name)*
*Commanding Officer (Pct.)*
*(Street Address)*

*(Insurance Company Name)*
*(Street Address)*
*(City, State)*

*Re: (RANK, NAME OF MEMBER OF THE SERVICE INVOLVED)*
*COLLISION (NUMBER)*
*(DATE OF COLLISION)*

*Dear Sir or Madam:*

*I am the commanding officer of (Rank, Name of member of the service involved). This letter is to inform (Name of Insurance Company) that (Name of member of the service involved) is a member of the New York City Police Department, and that the above referenced collision occurred during the performance of his/her duty with the Police Department. Therefore, pursuant to New York State Insurance Regulation section 169.1(d) (iv) of Title 11 of the NYCRR, no surcharge may be imposed for the above referenced collision.*

*Very truly yours,*
*(Rank) (Name)*

***RELATED PROCEDURES***

*Interrogation of Members of the Service (P.G. 206-13)*
*Intoxicated or Impaired Driver Arrest (P.G. 208-40)*
*Summons Served or Prepared in Error (P.G. 209-18)*
*Vehicle Pursuits (P.G. 221-15)*
*Vehicle Collisions – General Procedure (P.G. 217-01)*
*Vehicle Collisions Which Result in Death, Serious Injury and Likely to Die, or Critical Injury (P.G. 217-02)*
*Accidents and Collisions – City Involved (P.G. 217-04)*
*Collisions – Private Vehicles Authorized for Police Use (P.G. 217-07)*
*Retention of Invoiced Property (P.G. 218-55)*
*Reporting and Investigation of Force Incident or Injury to Persons During Police Action (P.G. 221-03)*

***FORMS AND REPORTS***

***COLLISION REPORT - POLICE DEPARTMENT VEHICLE (PD301-153)***
***OFFICIAL LETTERHEAD (PD158-151)***
***PROPERTY CLERK INVOICE (PD521-141)***
***REQUEST FOR RETENTION (PD521-169)***
***Police Accident Report (MV104AN)***
***Report of Motor Vehicle Accident (MV104)***
***Report of Motor Vehicle Accident, Police Line of Duty Accident (MV104L)***
***Typed Letterhead***

**PURPOSE** To record and process vehicular collisions involving privately owned vehicles authorized for police use by members of the service (uniformed or civilian).

**PROCEDURE** When involved in a collision while operating an authorized private vehicle in the performance of police duty:

**MEMBER OF THE SERVICE**

1. Notify precinct of occurrence.
   a. Request response of patrol supervisor.
2. Prepare **Report of Motor Vehicle Accident (MV104)** in all cases.
   a. If incapacitated, the patrol supervisor will prepare the **Report of Motor Vehicle Accident (MV104)**, in addition to other forms.

**PATROL SUPERVISOR, PRECINCT OF OCCURRENCE**

3. Respond to scene.
4. Prepare **Police Accident Report (MV104AN)**.
   a. Under caption "Operator's Address," enter member's command and address of that command.
   b. Under caption "Duplicate Copy Required For," check box marked "Office of Comptroller (City Involved)" and any other boxes that apply.
   c. If injury is involved, include statement on **Police Accident Report** as to whether the air bag inflated and deployed, if applicable.
   d. Have photographs taken of collision showing damages to all vehicles involved.
      (1) If collision involves death or injury, photographs will be taken at scene, if possible.

***NOTE*** *If preliminary investigation discloses that the driver committed a moving violation or if a fatality occurs, and the driver is a civilian member of the service required to have a Commercial Driver's License (CDL), he/she will be required to submit to alcohol and drug testing. The desk officer concerned will contact the Medical Division, Monday through Friday, 0700 hours to 1600 hours, within one hour of the incident. All other times, contact the Medical Division Sick Desk. The desk officer will be informed as to the location where the member must be taken for drug and alcohol testing, and will comply with the instructions of the Medical Division supervisor. The member involved MUST remain available for drug and alcohol testing. Unless unavailability is the result of necessary emergency care, a member's failure to be available will be considered a refusal to submit to alcohol and drug testing and will result in disciplinary or other appropriate action.*

*If preliminary investigation discloses that any operator committed a serious traffic violation, as defined in P.G. 217-01, "Vehicle Collisions - General Procedure," and there is a person who sustained serious physical injury, the patrol supervisor is to administer a Preliminary Breath Test (PBT) to the member of the service operator (unless operator is removed from the scene for immediate medical attention), if qualified to do so. If not qualified, the patrol supervisor will request the response of a qualified Highway Unit supervisor to administer the PBT. If probable cause is established that the member of the service operator is under the influence of alcohol and/or drugs, effect arrest, immediately*

***NOTE (continued)*** *notify IAB, and comply with P.G. 208-40, "Intoxicated or Impaired Driver Arrest." Furthermore, the patrol supervisor will ensure civilian operators are requested to submit to a PBT, unless the operator is removed from the scene for immediate medical attention.*

**PATROL SUPERVISOR, PRECINCT OF OCCURRENCE (continued)**

5. Furnish member involved in collision with two duplicated copies of **Police Accident Report** and set of collision photos for submission to Fleet Services Division and Deputy Commissioner - Management and Budget.
6. Direct member concerned to:
   a. Obtain Police Collision Serial Number from Fleet Services Division and
   b. Bring vehicle, with copy of **Police Accident Report** and set of collision photos, to Fleet Services Division for inspection and estimate of damage.
      (1) If vehicle is inoperable, notify Fleet Services Division to send a qualified person to estimate damage.

***NOTE*** *If vehicle is inoperable, member is entitled to have vehicle removed by Department Tow to one location of choice, within New York City.*

7. Submit four copies of report, on **Typed Letterhead**, to precinct commander, summarizing collision and indicating any driving deficiency.

**PRECINCT COMMANDER**

8. Investigate, if a deficiency was determined, and take appropriate disciplinary action.
9. Endorse patrol supervisor's report:
   a. If in doubt regarding member's driving ability, request retesting and/or retraining by the Police Academy Driver Training Unit.
   b. Direct a record of collision be entered in the operator's personal folder.
   c. Forward report, as follows:
      (1) Original - Chief of Department
      (2) Duplicate - Personnel Safety Desk
      (3) Triplicate - Deputy Commissioner - Management and Budget
      (4) Quadruplicate - Precinct file.

***NOTE*** *If member is not permanently assigned to precinct of occurrence, indicate on reverse side of **Police Accident Report** that a duplicated copy is required for member's permanent command. Send copy of patrol supervisor's report to commanding officer concerned.*

<u>WHEN CLAIMING REIMBURSEMENT FROM THE CITY FOR DAMAGE TO PRIVATELY OWNED VEHICLES INCURRED IN THE LINE OF DUTY</u>

**MEMBER OF THE SERVICE**

10. Prepare report, in duplicate, on **Typed Letterhead**, addressed to Deputy Commissioner - Management and Budget, including:
    a. Time and date of occurrence.
    b. Description of incident, including a full description of auto: year, make, model, number of cylinders and registration.

**MEMBER OF THE SERVICE (continued)**

c. A copy of any entry made in other Department record(s), regarding particulars of collision, as appropriate.
d. Statement that member is not claiming reimbursement for property damage from a private insurance carrier.
e. Statement that upon receipt of reimbursement from the city, the member will assign to the city any rights to reimbursement for property damage arising from the incident.

11. Obtain and attach to report:
    a. Damage estimates from two separate auto body collision repair shops
    b. Copy of **Police Accident Report**.

***NOTE*** *If vehicle is inoperable only one outside estimate is required.*

12. Submit report, with attachments, to commanding officer.

**COMMANDING OFFICER, MEMBER CONCERNED**

13. Investigate and endorse request, to include:
    a. Facts as stated in request.
    b. Whether member had authorization to use vehicle at time of incident.
    c. Existence of any other official record(s) covering date and time of occurrence.
    d. Recommendation to APPROVE/DISAPPROVE request.
14. Forward report, with attachments, to commanding officer of next higher level of command.

**COMMANDING OFFICER, NEXT HIGHER LEVEL OF COMMAND**

15. Review request and attachments.
16. Indicate APPROVAL/DISAPPROVAL of request.
17. Forward, through channels, to Deputy Commissioner - Management and Budget.

**DEPUTY COMMISSIONER MANAGEMENT AND BUDGET**

18. Review request and attachments.
    a. Endorse to the Director, Fleet Services Division.

**FLEET SERVICES DIVISION**

19. Examine private vehicle of member concerned.
    a. Prepare an estimate of repairs
    b. Forward estimate with recommendations of amount to be paid to Deputy Commissioner - Management and Budget.

**DEPUTY COMMISSIONER MANAGEMENT AND BUDGET**

20. Review request and recommendation.
21. Determine reimbursement amount, if any.
22. Prepare affidavit and assignment.
    a. Forward to member concerned requesting notarized signature.

**MEMBER OF THE SERVICE**

23. Sign and have notarized the affidavit and assignment form.
24. Return to Deputy Commissioner - Management and Budget (DIRECT).

**DEPUTY COMMISSIONER MANAGEMENT AND BUDGET**

25. Indicate APPROVAL or DISAPPROVAL, upon receipt of affidavit and assignment form.
26. Return DISAPPROVED requests to requesting member by endorsement.
27. Forward APPROVED request with affidavit to Audits and Accounts Unit for payment processing.
    a. Forward two copies of approved payments eligible for subrogation to Deputy Commissioner - Legal Matters.

**AUDITS AND ACCOUNTS UNIT**

28. Process reimbursement payments approved by Deputy Commissioner - Management and Budget.

**DEPUTY COMMISSIONER LEGAL MATTERS**

29. Review reimbursement payments forwarded by Deputy Commissioner-Management and Budget.
30. Determine if cases should be forwarded to the appropriate city agency for the recovery of reimbursements paid by the Department (subrogation).

***ADDITIONAL DATA***

*Vandalism to vehicles will be reported to the Fleet Services Division, on **Typed Letterhead**, and delivered with the vehicle to that unit.*

*The Police Department will not bear responsibility for any personal items stolen from the vehicle or damaged in the collision.*

***RELATED PROCEDURES***

*Intoxicated or Impaired Driver Arrest (P.G. 208-40)*
*Vehicle Collisions Which Result in Death, Serious Injury and Likely to Die, or Critical Injury (P.G. 217-02)*
*Vehicle Collisions - General Procedure (P.G. 217-01)*
*Private Vehicles Authorization and Usage (A.G. 325-14)*

***FORMS AND REPORTS***

***Police Accident Report (MV104AN)***
***Report of Motor Vehicle Accident (MV104)***
***Typed Letterhead***

# PATROL GUIDE

| Section: Vehicle Collisions | | Procedure No: 217-08 | |
|---|---|---|---|
| **AIRCRAFT ACCIDENTS** | | | |
| DATE ISSUED: 08/28/19 | DATE EFFECTIVE: 08/28/19 | REVISION NUMBER: | PAGE: 1 of 1 |

**PURPOSE** To determine the cause of, and record data concerning aircraft accidents.

**PROCEDURE** On arrival at the scene of an aircraft accident follow *P.G. 216-01*, "*Aided Cases - General Procedure,*" and in addition:

**UNIFORMED MEMBER OF THE SERVICE**

1. Request patrol supervisor to respond.
2. Notify the desk officer.
3. Detain pilot and aircraft.
4. Safeguard evidence until examined by authorized personnel.
5. Advise the owner or pilot of his responsibility to report the accident to the desk officer within ten hours and that failure to do so is a misdemeanor.

**DESK OFFICER**

6. Notify:
   a. Detective squad concerned
   b. Operations Unit
   c. Duty captain
   d. Borough office.

**SUPERVISING OFFICER IN COMMAND**

7. Prepare and forward report of unusual occurrence with two extra copies for Chief of Special Operations.

***NOTE*** *An authorized investigator, FAA or Aviation Unit, determines the cause of the accident, supplies the necessary information to the detective concerned and recommends the release of the pilot and the plane when feasible.*

***FORMS AND REPORTS*** ***UNUSUAL OCCURRENCE REPORT (PD370-152)***

**PURPOSE** To direct the response of designated tow trucks, through the Communications Section, to the scene of vehicular collisions, for vehicles which the reporting member deems unsafe to be driven, except that an operator of a vehicle with a gross vehicle weight of fifteen thousand pounds or more may choose their own company to respond.

**SCOPE** This procedure does not include collisions occurring in tunnels, on bridges, or arterial highways serviced by franchised towing companies under permits issued by Department of Transportation (see *P.G. 212-08, "Activity Logs"*). Additionally, Administrative Code Section 20-524, Subdivision "c," exempts any governmental agency from the operation of this law. Therefore, when a government vehicle is damaged in a collision, the operator of the vehicle may call his or her own tow service.

Pertinent provisions of the Administrative Code applicable to the Directed Accident Response Program state:

a. Section 20-518 (a) (3) - All participants in the program shall maintain a business premises that is under exclusive control of the participant, is not used by any other towing company and is the premises listed on such participant's license to engage in towing. Such premises shall consist of a location that is open to the public, where towing company personnel are employed, calls requesting towing service are received and towers dispatched, and where all records required by this subchapter or any rules promulgated thereunder are maintained.

b. Section 20-518 (b) - The vehicle removed from the collision scene at the direction of the Police Department shall be removed by a tow truck of a company participating in the Directed Accident Response Program. At all times the vehicle shall be stored within such storage facility as listed on the license of the towing company responding to the Police Department's direction to remove the vehicle. Such premises shall be owned, operated or controlled by such towing company and shall not be used by any other towing company.

**PROCEDURE** Upon arrival at a collision scene:

**UNIFORMED MEMBER OF THE SERVICE**

1. Comply with pertinent provisions of *P.G. 217-01, "Vehicle Collisions – General Procedure."*
2. Ascertain if vehicle(s) can be safely driven, or if towing is required using reasonableness as a standard.
   a. Operators of government vehicles or vehicles with a maximum gross vehicle weight of fifteen thousand pounds or more may use their own tow company.
   b. A uniformed member may authorize the removal of a vehicle which cannot be safely driven if the owner/operator is incapacitated, is not present, or refuses to authorize the tow.

***NOTE*** *Once the uniformed member makes a determination that a tow truck is needed, the request may not be cancelled.*

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

3. Notify Communications Section dispatcher when towing service is needed.
   a. The notification will include the color, body type and plate number(s) of the vehicle(s) requiring a tow.

***NOTE*** *DO NOT TRANSMIT THE MAKE, MODEL OR YEAR OF THE DISABLED VEHICLE(S) INVOLVED IN A COLLISION.*

**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 pounds or more.
   b. Arrest evidence vehicles
   c. Vehicles held as investigatory evidence
   d. Vehicles subject to the Rotation Tow Program as stolen or abandoned
   e. Government vehicles.
7. Remain on scene for thirty minutes after radio dispatcher advises which tow company is responding.

***NOTE*** *If the assigned tow company is not on the scene within thirty minutes of being assigned by the Communications Section, the uniformed member will request the Communications Section to cancel the initially requested tow company and assign the next tow company in the rotation. The uniformed member will prepare a* ***REPORT OF VIOLATION (PD672-151)*** *for the tow company that was cancelled and advise the dispatcher when resuming patrol. The Communications Section Dispatcher will enter the appropriate final disposition code to indicate the unit has departed the collision scene prior to the arrival of the DARP tow operator (Code Signal 10-99T9).*

8. Inform motorist(s) involved of name of tow company responding.
   a. Supply the motorist(s) involved with the telephone number of the Directed Accident Response Program operator and instruct the motorist(s) to call after thirty minutes, if the tow truck has not arrived. Inform the motorist to be prepared to give the Directed Accident Response Program operator both the vehicle plate number and the location of the collision.

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

9. Enter tow company information on **Police Accident Report (MV104AN)** only when the vehicle is towed and the tow company is known.

10. Comply with the following, if an unsolicited tow truck arrives or is found at the scene:
    a. If there is probable cause to believe that a tow operator has traveled enroute to, or responded to the collision scene without having a specific request for service from a person in charge of either a government vehicle or a vehicle with a maximum gross vehicle weight of fifteen thousand pounds or more or from the Police Department, issue summons for violation of Administrative Code, Section 20-518(b)(2) (unsolicited response by tow operator).
        (1) Prepare a **REPORT OF VIOLATION**.
    b. In those cases where there is probable cause to believe that a tow operator has solicited any of the involved parties, issue an additional summons for violation of Administrative Code, Section 20-515, subdivision (b) (soliciting for towing at the scene of a vehicular collision). This also applies to persons soliciting at a collision scene from a private vehicle.
        (1) Include this additional information on the **REPORT OF VIOLATION**.
    c. Seize any unlicensed tow truck which is observed either, (1) responding to a collision scene, or (2) parked in the vicinity of the collision while the operator of the tow truck is observed offering to tow a vehicle with the tow truck, or (3) present at the collision scene (see *P.G. 209-29, "Seizure of Unlicensed Tow Trucks"*).

**PATROL SUPERVISOR**

11. Respond to location and supervise the removal of involved vehicles.

12. Supervise the issuance of summonses to tow truck operators when summonses are issued.

13. Insure the preparation of **REPORT OF VIOLATION** when warranted.
    a. If a witness advises that a tow company removed a vehicle from the scene prior to the officer's arrival have **REPORT OF VIOLATION** prepared. Include witness' name, address and telephone number, if obtained.

**DESK OFFICER**

14. Direct reporting officer to have information regarding a vehicle which is towed without the owner/operator's knowledge (e.g., operator unconscious and removed to hospital, no operator with vehicle, vehicle was parked and is now impeding traffic, etc.) entered into the FINEST system utilizing the "IMPOUND" screen.
    a. Ensure that notification is sent to registered owner of vehicle.

***NOTE*** *If inquiry is made at stationhouse and information is not available through FINEST System "IMPOUND" screen, call DARP operator for vehicle's location.*

**DESK OFFICER (continued)**

15. Review and sign **REPORT OF VIOLATION**.
16. Assign precinct serial number to **REPORT OF VIOLATION**.
17. Have **REPORT OF VIOLATION** forwarded to Department of Consumer Affairs, Licensing Enforcement Section, 42 Broadway, New York, New York 10004.

***ADDITIONAL DATA***

*The tow truck dispatched by the Directed Accident Response Program will possess, and must present for inspection, a "Tow Authorization" form that must include a Department of Consumer Affairs license number. The tow trucks and tow operators must be licensed by the Department of Consumer Affairs.*

*Uniformed members advising the radio dispatcher of a final disposition from the scene of a collision must utilize one of the following disposition codes as it pertains to that particular collision situation:*

*a. 10-99T4 Vehicle Collision (No tow required)*
*b. 10-99T5 Vehicle Collision (D.A.R.P. tow service)*
*c. 10-99T6 Vehicle Collision (Other tow service)*
*d. 10-99T7 Vehicle Collision (D.A.R.P. and other tow service)*
*e. 10-99T8 Vehicle Collision (Highway-authorized tow service)*
*f. 10-99T9 Vehicle Collision (D.A.R.P. requested, waited thirty minutes, made second request, resumed patrol)*

*The following violations of Department of Consumer Affairs regulations will be entered under "Additional Information" on **REPORT OF VIOLATION**:*

*a. UNJUSTIFIABLE REFUSAL to accept towing assignments*
*(1) Violation - Article XI, subdivision F (DARP)*
*b. REPEATED UNJUSTIFIABLE REFUSALS to accept towing assignments*
*(1) Violation - Article XI, subdivision L (DARP). (List times and dates of such refusals).*

*Uniformed members of the service will refrain from using any other final disposition code when a vehicle collision is involved EXCEPT if upon arrival, the vehicle(s) is not at the scene and there is no information available concerning how it was removed. In this instance, Code Signal 10-90Z [Gone on Arrival] will be utilized.*

***RELATED PROCEDURES***

*Vehicle Collisions – General Procedure (P.G. 217-01)*
*Seizure of Unlicensed Tow Trucks (P.G. 209-29)*

***FORMS AND REPORTS***

***Police Accident Report (MV104AN)***
***REPORT OF VIOLATION (PD672-151)***

# PATROL GUIDE

| Section: Vehicle Collisions | | Procedure No: 217-10 | |
|---|---|---|---|
| **ACCIDENTS - DEPARTMENT PROPERTY** | | | |
| DATE ISSUED: 07/01/20 | DATE EFFECTIVE: 07/01/20 | REVISION NUMBER: | PAGE: 1 of 1 |

**PURPOSE** To report damage to Department property other than Department vehicles.

**PROCEDURE** Upon discovery of damaged property:

**UNIFORMED MEMBER OF THE SERVICE**

1. Report facts to desk officer and make digital **Activity Log** entry.

**DESK OFFICER**

2. Have patrol supervisor investigate facts and prepare report, including:
   a. Date and time of occurrence
   b. Details
   c. Department property involved
   d. Damage to other property
   e. Owner of that property
   f. Action
   g. Witnesses
   h. Brief description of injury.

**PATROL SUPERVISOR**

3. Submit report to command clerk.

**COMMAND CLERK**

4. Type report on **Typed Letterhead** (four copies).
   a. Submit to desk officer/counterpart.

**DESK OFFICER**

5. Have patrol supervisor sign report.
6. File one copy of report and forward three copies, direct, as follows:

| **PROPERTY** | **TO** |
|---|---|
| Booths, buildings | Deputy Commissioner - Management & Budget, Facilities Management Division |
| Horses | Mounted Unit |
| Aircraft, launches | Office of the Chief of Special Operations |

***RELATED PROCEDURES*** *Department Vehicle Collisions (P.G. 217-06)*

***FORMS AND REPORTS*** ***Typed Letterhead***

# PATROL GUIDE

| Section: Vehicle Collisions | | Procedure No: 217-11 | |
|---|---|---|---|
| **ACCIDENTS - NEW YORK CITY HOUSING AUTHORITY INVOLVED** | | | |
| DATE ISSUED: 08/19/13 | DATE EFFECTIVE: 08/19/13 | REVISION NUMBER: | PAGE: 1 of 1 |

**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 and Collisions - City Involved").*

*It is not unusual for claims to arise in favor of the Housing Authority in certain accidents. It is the policy of the Housing Authority to pursue such claims. Members of the service at the scene of an accident involving the Housing Authority, will detail circumstances which may support claims by the Housing Authority against private entities. Additionally, members will obtain names and addresses of witnesses at the scene, including potential witnesses favorable to the Housing Authority. Full cooperation with the Housing Authority or the New York City Law Department in pursuing these claims is mandatory.*

***RELATED PROCEDURES*** *Accidents and Collisions - City Involved (P.G. 217-04)*

***FORMS AND REPORTS*** ***ACCIDENT REPORT - CITY INVOLVED (PD301-155)***
***FIELD REPORT (313-1511)***

| Section: Vehicle Collisions | | Procedure No: 217-12 | |
|---|---|---|---|
| **NOTIFICATIONS - CERTAIN ACCIDENT CASES** | | | |
| DATE ISSUED: 08/19/13 | DATE EFFECTIVE: 08/19/13 | REVISION NUMBER: | PAGE: 1 of 1 |

**PURPOSE** To notify concerned agencies in certain accident cases.

**PROCEDURE** Upon being informed of any of the following types of accidents:

**DESK OFFICER**

1. Notify Operations Unit direct if incident involves:
   a. Bridge, on, near or affecting dock, affecting structure
   b. Explosives, vehicle transporting
   c. Police signal box damaged (also notify Communications Section)
   d. Railroad, other than subway
   e. Sprinkler system inoperative
   f. Tunnel, in or affecting
   g. Construction site, serious injury or death
   h. Elevator, escalator or amusement ride, serious injury or death and there is an apparent or actual malfunction or defect in the equipment.
2. Notify the agency direct if incident involves:

| | |
|---|---|
| • Building, affecting structure | ➢ Department of Buildings (see ADD'L DATA) |
| • Bus, MTA | ➢ N.Y.C. Transit |
| • Crane | ➢ Department of Buildings (see ADD'L DATA) |
| • Elevator | ➢ Department of Buildings (see ADD'L DATA) |
| • Fire alarm box or post damaged | ➢ Fire Dept., Borough Fire Headquarters |
| • Housing, persons requiring shelter | ➢ Dept. of Social Services |
| • Scaffold | ➢ Department of Buildings (see ADD'L DATA) |
| • Subway | ➢ N.Y.C. Transit |

***ADDITIONAL DATA*** *The New York City Department of Buildings can be notified twenty-four hours a day, seven days a week, through the Office of Emergency Management's (OEM) Watch Command.*

| Section: Vehicle Collisions | | Procedure No: 217-13 | |
|---|---|---|---|
| **PREPARING, AMENDING, AND RELEASING POLICE ACCIDENT REPORTS (MV 104AN) TO INVOLVED PARTIES APPEARING IN PERSON AT A POLICE FACILITY** | | | |
| DATE ISSUED: 09/26/14 | DATE EFFECTIVE: 09/26/14 | REVISION NUMBER: | PAGE: 1 of 3 |

**PURPOSE** To minimize the means by which any involved party, that has an interest in a motor vehicle collision which has occurred, can commit insurance fraud.

**DEFINITION** INVOLVED PARTY- Any person/party(s) having an interest in a motor vehicle collision which has occurred. This would include, but is not limited to, the following: motorists, passengers, property owners (whose property is damaged as a result of the collision), an executor or administrator of the estate, next of kin, or insurance beneficiary of person killed in the collision, the parent or guardian of a minor involved in the collision, spouses, insurance company representatives, dependents in a Worker's Compensation claim, and attorneys.

**PROCEDURE** When an involved party appears in person at a police facility and requests that a **Police Accident Report (MV104AN)** be prepared, amended or released for a collision which occurred within the last thirty days:

**DESK OFFICER**

1. Interview and verify identification of party requesting copy of **Police Accident Report**.
2. Direct involved party to traffic safety officer/assigned uniformed member of the service in order to proceed with request.

**TRAFFIC SAFETY OFFICER/ ASSIGNED UNIFORMED MEMBER OF THE SERVICE**

3. Ask involved party requesting copy of **Police Accident Report**:
   a. To prepare **REQUEST FOR COPY OF COLLISION RECORD (PD301-165)**
   b. When and where collision occurred, and
   c. To present a current, valid form of photo identification (i.e., driver's license, passport, etc.)
      (1) No request will be honored without a current, valid form of photo identification
   d. An attorney must also present a notarized letter signed by the party concerned, stating that he/she is being represented by the attorney.
4. Make:
   a. Two photocopies of **Police Accident Report**
   b. One photocopy of involved party's photo identification.
5. Ensure that copies of **Police Accident Report** are correct.
6. Indicate name of person receiving copy of **Police Accident Report** on **REQUEST FOR COPY OF COLLISION RECORD**.
7. Submit **REQUEST FOR COPY OF COLLISION RECORD** to the desk officer.

**DESK OFFICER**

8. Sign caption on **REQUEST FOR COPY OF COLLISION RECORD** verifying proper completion of form.

**TRAFFIC SAFETY OFFICER/ ASSIGNED UNIFORMED MEMBER OF THE SERVICE**

9. Give one copy of **Police Accident Report** along with a copy of **REQUEST FOR COPY OF COLLISION RECORD** to requestor.
10. Staple to the original **REQUEST FOR COPY OF COLLISION RECORD**:
    a. Photocopy of **Police Accident Report**
    b. Photocopy of photo identification with **Police Accident Report** number written on the top right hand corner.
11. File chronologically on a daily basis.

**INTEGRITY CONTROL OFFICER**

12. Check a minimum of fifteen file copies of **REQUEST FOR COPY OF COLLISION RECORD** on a quarterly basis to ensure completed forms were verified by a supervisor.
    a. These checks will become part of the command's self inspection system.

***ADDITIONAL DATA***

*PREPARATION OF **POLICE ACCIDENT REPORT** AT POLICE FACILITY*

*Uniformed members of the service are required by law to complete a **Police Accident Report** and investigate the facts whenever any person(s)/party appears at a police facility and reports the following:*

*ANY COLLISION which:*

*a. Results in serious injury or death to a person which must be investigated in accordance with P.G. 217-02, "Vehicle Collisions Which Result in Death, Serious Injury and Likely to Die, or Critical Injury"*

*b. Results in injury to a person and the motor vehicle collision in question is being reported within five days after such collision*

*c. Involves a commercial vehicle where the damage incurred is disabling enough to result in a vehicle being towed from the collision scene and the motor vehicle collision in question is being reported within five days after such collision.*

*Regarding the above circumstances, if the criteria as stated are met, the person/party requesting the completion of a **Police Accident Report** will be referred to the command where the collision took place. ONLY A UNIFORMED MEMBER OF THE SERVICE (UMOS) will prepare a **Police Accident Report**. The UMOS concerned will ask to view the vehicle in question (if available), and interview those claiming to be party to the collision (if present), before completing the **Police Accident Report**. In ALL cases, the UMOS must note in the "Accident Description/Officer's Notes" section of the **Police Accident Report** whether or not they had the opportunity to actually view the vehicle or interview the person(s) involved in the collision.*

*Any person(s)/party appearing in person at a police facility and requesting initial preparation of a **Police Accident Report** for a collision that does not meet the above criteria shall instead be given a copy of New York State Department of Motor Vehicles form, **Report of Motor Vehicle Accident (MV104)** to complete and submit on their own.*

*Any person(s)/party appearing in person at a police facility and requesting that a **Police Accident Report** be completed for them, where property damage to a vehicle or personal injury is involved, and the operator of one of the vehicles has fled the scene without*

***ADDITIONAL DATA (continued)***

*reporting, will be referred to the command where the collision occurred (see P.G. 217-05, "Leaving the Scene of a Collision").*

***REQUEST FOR COPY OF COLLISION RECORD** SUBMITTED BY MAIL*

*If involved party opts to file a **REQUEST FOR COPY OF COLLISION RECORD** by mail, instruct them on what valid form of identification must be included with their request in order to receive a copy of a **Police Accident Report**. Any mail request not accompanied by a photocopy of a current, valid form of photo identification, i.e., driver's license, passport, etc., and a self-addressed stamped envelope, will be returned. When the request is received along with a valid form of identification, place a copy of **Police Accident Report** in self-addressed stamped envelope and mail to requestor.*

*AMENDING A **POLICE ACCIDENT REPORT***

*A uniformed member of the service is not mandated to amend a previously completed **Police Accident Report** upon request by any person/party appearing in person at a police facility. The uniformed member may elect to do so if:*

*a. In their discretion a change is warranted and*

*b. He/she is the officer of record.*

*Absent these criteria the member can recommend that the requesting party complete **Report of Motor Vehicle Accident (MV104)** and submit to the Accident Records Bureau in Albany (address on rear of form). If a **Police Accident Report** is amended by the uniformed member of the service the caption at the top of the form, "AMENDED REPORT" must be checked.*

*REQUEST FOR **POLICE ACCIDENT REPORT** AFTER THIRTY DAYS*

*Requests for **Police Accident Reports** made after thirty days should be made directly to the New York State Department of Motor Vehicles, utilizing New York State Department of Motor Vehicles form, "**Request for Copy of Accident Report**." Person making the request will be given all information necessary to complete this form.*

***RELATED PROCEDURES***

*Vehicle Collisions – General Procedure (P.G. 217-01)*
*Vehicle Collisions Which Result in Death, Serious Injury and Likely to Die, or Critical Injury (P.G. 217-02)*
*Leaving the Scene of a Collision (P.G. 217-05)*

***FORMS AND REPORTS***

***REQUEST FOR COPY OF COLLISION RECORD (PD301-165)***
***Police Accident Report (MV104AN)***
***Report of Motor Vehicle Accident (MV104)***

**PURPOSE** To ensure that the appropriate reference marker numerals/letters are utilized when preparing a **Police Accident Report (MV104AN)**.

**PROCEDURE** Upon notification or observation of a vehicle collision occurring on limited access highways, collector-distributor roadways (CDRs), entrance and exit ramps, and bridges and tunnels (Metropolitan Transportation Authority facilities, Brooklyn and Williamsburg Bridges, etc.):

**UNIFORMED MEMBER OF THE SERVICE**

1. Comply with *P.G. 217-01, "Vehicle Collisions - General Procedure."*
2. Locate the nearest reference marker to the collision site for collisions occurring on highways, CDRs, and ramps only.
3. Utilize and refer to the Limited Access Highway Reference Marker Listing book (maintained at each command) to determine the proper reference marker:
   a. For collisions occurring on bridges or in tunnels
      (1) The Limited Access Highway Reference Marker Listing (maintained at each command) must be used for reporting collisions occurring on bridges and in tunnels. Reference markers (if any) actually posted on bridges or in tunnels near a collision site will <u>not</u> be entered on **Police Accident Reports**.
   b. In instances where a reference marker is missing, cannot be seen due to inclement weather, etc.
4. Enter the numerals/letters taken from the reference marker near the collision site or the Limited Access Highway Reference Marker Listing book as appropriate, into the twelve box caption titled "Reference Marker" on the **Police Accident Report** (see "ADDITIONAL DATA").

**COMMAND CLERICAL STAFF MEMBER**

5. Record collision into the On-Line Accident Index.
6. Enter reference marker numerals/letters on the "ADD ACCIDENT" screen in the caption titled "IF HIGHWAY OR BRIDGE, ENTER REFERENCE MARKER".

**TRAFFIC SAFETY OFFICER**

7. Review all **Police Accident Reports** for completeness and accuracy.
8. Ensure "Reference Marker" caption is completed when required.
9. Update On-Line Accident Index.

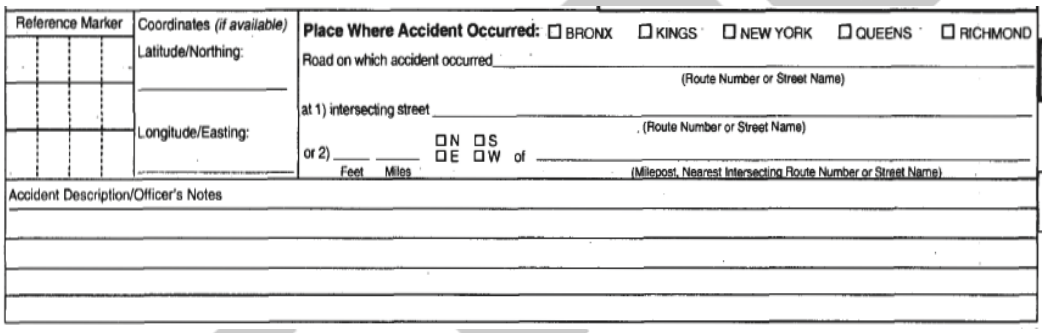
***ADDITIONAL DATA***

*INCLUSION OF REFERENCE MARKER ON **POLICE ACCIDENT REPORT***

*The 9 inch x 8 inch green-colored Reference Marker depicted below is located every one-tenth of a mile on limited access highways, collector-distributor roadways, and entrance and exit ramps:*

| | | | |
|---|---|---|---|
| 9 | 0 | 7 | N |
| B | 5 | C | 1 |
| 4 | C | 0 | 3 |

*Twelve box "Reference Marker" caption as seen on **Police Accident Report**:*


Reference Marker
Coordinates *(if available)*
Latitude/Northing:
Longitude/Easting:
**Place Where Accident Occurred:** ☐ BRONX ☐ KINGS ☐ NEW YORK ☐ QUEENS ☐ RICHMOND
Road on which accident occurred _____ (Route Number or Street Name)
at 1) intersecting street _____ (Route Number or Street Name)
or 2) ____ Feet ____ Miles ☐N ☐S ☐E ☐W of _____ (Milepost, Nearest Intersecting Route Number or Street Name)
Accident Description/Officer's Notes

***RELATED PROCEDURES***

*Traffic Safety Officer (P.G. 202-28)*
*Vehicle Collisions - General Procedure (P.G. 217-01)*

***FORMS AND REPORTS***

***Police Accident Report (MV104AN)***

**PURPOSE** To provide a means to more effectively and clearly document Department vehicle collisions and provide the Personnel Safety Desk and Traffic-Stat with data in an expeditious manner.

**SCOPE** Traffic Safety Officers will be able to enter data from any Intranet-capable terminal within their command. All of the information necessary to complete the data entry can be found on the **COLLISION REPORT – POLICE DEPARTMENT VEHICLE (PD301-153)** and the **Police Accident Report (MV-104AN)**.

**PROCEDURE** When a collision occurs involving a vehicle owned, leased, or rented by the Department, the Traffic Safety Officer in the precinct of occurrence will enter all pertinent information into the database as follows:

**PRECINCT TRAFFIC SAFETY OFFICER**

1. Obtain copies of reports relating to all Department vehicle collisions occurring within the geographical confines of the precinct.

***NOTE*** *It is the responsibility of the Traffic Safety Officer to obtain copies of reports involving members of the service not assigned to the precinct of occurrence as well as all reports involving rented and leased vehicles as set forth in P.G. 217-06, "Department Vehicle Collisions."*

2. Login to the Department's Intranet "Department Vehicle Accident Database."
3. Enter all data from Parts "A" and "B" of the **COLLISION REPORT – POLICE DEPARTMENT VEHICLE** and data from the **Police Accident Report** within seventy-two hours of the collision, without waiting for final agency determination.
4. Coordinate efforts with Commanding Officer to obtain agency final determination within thirty days of the collision.
5. Enter data from Part "C" of the **COLLISION REPORT – POLICE DEPARTMENT VEHICLE** including agency final determination into database within thirty days of the collision.

**DESK OFFICER PRECINCT OF OCCURRENCE**

6. Fax all reports prepared regarding Department vehicle collisions to the Personnel Safety Desk, as indicated in *P.G. 217-06, "Department Vehicle Collisions."*

**PRECINCT COMMANDER**

7. Ensure that the endorsed copies of all reports are forwarded to the Personnel Safety Desk, Patrol Borough concerned and placed in the member's personal folder, as indicated in *P.G. 217-06, "Department Vehicle Collisions."*

***NOTE*** *In addition to the steps outlined in this procedure, members of the service will continue to comply with the procedures required for Department Vehicle Collisions as set forth in P.G. 217-06, "Department Vehicle Collisions." All questions concerning the Police Department Vehicle Data Entry System may be directed to the Personnel Safety Desk, during normal business hours.*

***ADDITIONAL DATA*** *All information captured on the* ***COLLISION REPORT – POLICE DEPARTMENT VEHICLE*** *will be entered into the Intranet Database, as well as the following data from the* ***Police Accident Report****.*

1. *Pedestrian/Bicyclist/Location*
2. *Pedestrian/Bicyclist/Action*
3. *Traffic Control*
4. *Light Conditions*
5. *Roadway Character*
6. *Weather*
7. *Apparent Contributing Factors*
8. *Direction of Vehicle*
9. *Pre-accident Vehicle Action*
10. *Location of First Event*
11. *Type of Accident-Collision with:*
12. *Collision Type:*

*If a question DOES NOT APPLY, a dash (-) will be entered in the database.*
*If an answer is UNKNOWN, an (X) will be entered in the database.*

***RELATED PROCEDURES*** *Department Vehicle Collisions (P.G. 217-06)*

***FORMS AND REPORTS*** ***Police Accident Report (MV-104AN)***
***COLLISION REPORT – POLICE DEPARTMENT VEHICLE (PD301-153)***

**PURPOSE** To apply for a chemical test warrant.

**DEFINITION** CHEMICAL TEST WARRANT – A Court Order and process directing medical personnel to draw blood from a person suspected of driving while under the influence of alcohol or drugs while causing serious physical injury or death to another individual, in order to determine the alcoholic or drug content of the person's blood. A chemical test warrant will be applied for if a prisoner, arrested for Driving While Intoxicated involving a vehicle collision resulting in serious physical injury or death to another individual, has refused to submit to a chemical test or is unconscious and has been under arrest for more than two hours without being subjected to a chemical test.

**PROCEDURE** When a uniformed member of the service has reasonable cause to believe that a person, suspected of operating a vehicle while under the influence of alcohol or drugs, is involved in a collision resulting in serious physical injury or death to another individual, and has refused to submit to a chemical test, or is unconscious and has been under arrest for more than two hours without having been subjected to a chemical test:

**PATROL SUPERVISOR**

1. Request Communications Section dispatcher to dispatch Highway District personnel to designated testing location or hospital, as appropriate.

**DESK OFFICER, PRECINCT OF ARREST**

2. Contact Operations Unit and request a notification be made to District Attorney's Office.
3. Provide Operations Unit member with the following:
   a. Arresting officer's name, tax registry number, shield number and command
   b. Prisoner's pedigree information
   c. Desk telephone number of designated testing location.
4. Make Telephone Record entry regarding notification.

**OPERATIONS UNIT MEMBER**

5. Notify appropriate District Attorney's Office.
6. Provide assistant district attorney with the following:
   a. Arresting officer's name, tax registry number, shield number, and command
   b. Desk telephone number of designated testing location
   c. Prisoner's pedigree information.
7. Notify desk officer, precinct of arrest and provide assistant district attorney's name and telephone number.

**ARRESTING OFFICER**

8. Notify desk officer, precinct of arrest, if one hour has passed and assistant district attorney has not initiated contact at designated testing location.

**DESK OFFICER, PRECINCT OF ARREST**

9. Contact assistant district attorney supervisor and Operations Unit, if one hour has passed and assistant district attorney has not conferred with arresting officer.
   a. Record phone call attempt(s) in Telephone Record
   b. Contact assistant district attorney supervisor every thirty minutes thereafter until assistant district attorney has been contacted.

**ARRESTING OFFICER**

10. Inform assistant district attorney of details of arrest.
11. Comply with instructions of assistant district attorney regarding arrest process.
12. Complete all necessary arrest paperwork, as per *P.G. 217-02, "Vehicle Collisions Which Result in Death, Serious Injury and Likely to Die, or Critical Injury"* and *P.G. 208-40, "Intoxicated or Impaired Driver Arrest."*
13. Complete **CHEMICAL TEST WARRANT APPLICATION (PD374-041)**.

***NOTE***

*To apply for a chemical test warrant, the member of the service concerned must be able to articulate to the assistant district attorney and to the judge that he/she has reasonable cause to believe the defendant:*

*a. Operated a vehicle and during said operation,*
*b. Killed or caused a serious physical injury to another individual,*
*c. Was intoxicated or impaired by alcohol or drugs,*
*d. Is under arrest, and*
*e. Has refused a chemical test, or is unconscious and has been under arrest for <u>more</u> than two hours without having been subjected to a chemical test.*

*Members of the service are reminded that if an operator suffers a serious physical injury and <u>no other person</u> suffers a serious physical injury or death, a chemical test warrant can not be applied for that operator.*

**I.D.T.U. TECHNICIAN**

14. Respond to designated testing location or hospital, as appropriate.
15. Prepare and sign **Report of Refusal to Submit to Chemical Test (NYSDMV AA-134)**, when applicable.
    a. Have arresting officer sign **Report of Refusal to Submit to Chemical Test**.
16. Distribute copies of **Report of Refusal to Submit to Chemical Test** as indicated on form.
    a. Arresting officer must bring two copies for the assistant district attorney when the complaint is drawn.

***NOTE***

*If prisoner refuses to submit to chemical test or any portion thereof, maintain the initial charge for which the prisoner was arrested unless new evidence warrants a change in charge. The arresting officer must be able to articulate circumstances which led to original charge of Intoxicated or Impaired Driving (e.g., witnessed prisoner operating vehicle, slurred speech, odor of alcohol on breath, etc.). After arraignment, the court will forward to the arresting officer a **NOTICE OF SUSPENSION** and/or **NOTICE OF HEARING** form with instructions to appear at a designated date, time and place for a hearing, which will be within fifteen days of the arraignment. Roll call personnel will schedule the arresting officer accordingly.*

17. Supply arresting officer with <u>chemical test evidence kit</u>.

UPON APPROVAL OF CHEMICAL TEST WARRANT APPLICATION

**DESK OFFICER, TESTING LOCATION**

18. Provide transportation for arresting officer and prisoner to designated hospital for administration of chemical test.
19. Make Command Log entry consisting of the following:
    a. Arresting officer name and shield
    b. Prisoner's pedigree information
    c. Department auto number of the vehicle used for transport
    d. Time of transport.

**ARRESTING OFFICER**

20. Upon arrival, inform and submit chemical test warrant and chemical test evidence kit to hospital personnel.
21. Notify assistant district attorney and Operations Unit, if hospital personnel do not comply with chemical test warrant.
22. Comply with instructions of assistant district attorney.
23. Comply with *P.G. 218-49, "Immediate Delivery of DNA Evidence to the Police Laboratory and the Office of the Chief Medical Examiner (OCME),"* upon receiving chemical test evidence kit.

**DESK OFFICER, TESTING LOCATION**

24. Ensure prisoner is transported to borough court section facility or designated testing location to complete arrest processing, as appropriate.

IF CHEMICAL TEST WARRANT APPLICATION IS DENIED

**ARRESTING OFFICER**

25. Inform desk officer of testing location of **CHEMICAL TEST WARRANT APPLICATION** denial.
26. Comply with assistant district attorney instructions regarding continuation of arrest processing.

**DESK OFFICER, TESTING LOCATION**

27. Make Command Log entry regarding chemical test warrant application denial.
28. Ensure prisoner is transported to borough court section facility.

***ADDITIONAL DATA***

*If prisoner has been removed from the scene of incident to the hospital and is unconscious, the arresting officer will request the Communications Section dispatcher to dispatch Highway District personnel to respond to the hospital and deliver the chemical test evidence kit. Any chemical samples taken by hospital personnel will be witnessed, sealed, and marked by Highway District personnel and delivered to the Police Laboratory by the arresting officer to ensure chain of custody. Members are reminded that if more than two hours have elapsed since arrest, and the unconscious prisoner has not been subjected to a chemical test, a chemical test warrant must be obtained.*

*Members of the service are reminded that the Legal Bureau is available for assistance and guidance regarding the application for a chemical test warrant, Monday through Friday, 0700 to 2300 hours. After hours, members may contact the Operations Unit for a notification to a Department Attorney.*

| | |
|---|---|
| ***RELATED PROCEDURES*** | *Intoxicated or Impaired Driver Arrest (P.G. 208-40)*<br>*Vehicle Collisions Which Result in Death, Serious Injury and Likely to Die, or Critical Injury (P.G. 217-02)*<br>*Immediate Delivery of DNA Evidence to the Police Laboratory and the Office of the Chief Medical Examiner (OCME) (P.G. 218-49)* |
| ***FORMS AND REPORTS*** | ***CHEMICAL TEST WARRANT APPLICATION (PD374-041)***<br>***Report of Refusal to Submit to Chemical Test (NYSDMV AA-134)*** |

NYPD

**APPENDIX "A"**

(SAMPLE COURT ORDERED CHEMICAL TEST WARRANT)

**[CRIMINAL OR SUPREME] COURT OF THE CITY OF NEW YORK**
**COUNTY OF NEW YORK**

**IN THE NAME OF THE PEOPLE OF THE STATE OF NEW YORK**
**TO ANY POLICE OFFICER IN THE CITY OF NEW YORK**

Proof by affidavit having been made this day before me by Officer [NAME], Shield # [NUMBER], of [COMMAND and DEPARTMENT] (i) that there is reasonable cause to believe that [NAME OF DEFENDANT] blood contains evidence of drug or alcohol use, in violation of Vehicle and Traffic Law 1192

YOU ARE THEREFORE COMMANDED, at any hour of the day or night, to compel the defendant to submit to a chemical test pursuant to Vehicle and Traffic Law Section 1194(3); and that it is further

ORDERED that a person authorized, pursuant to § 1194 of the V.T.L. withdraw a sufficient amount of blood from the defendant, for the purpose of conducting a chemical test of the alcohol or drug content of that blood; and it is further

ORDERED that the testing be conducted on the defendant's blood sample for the purpose of determining the presence of drugs or alcohol; and it is further

ORDERED that the defendant shall submit to the withdrawal of blood sufficient for a chemical test of the alcohol or drug content of his/her blood and that any reasonable degree of force necessary to effect this order may be used; and it is further

ORDERED that the property seized may be maintained in the care and custody of the New York City Police Department and or its agents, including the Office of the Chief Medical Examiner.

_____
Judge of the Criminal/Supreme Court

Dated: _____

**PURPOSE** To record bicycle only and bicycle/pedestrian collisions not involving a motor vehicle.

**DEFINITION** BICYCLE – Every two or three wheeled device upon which a person or persons may ride, propelled by human power through a belt, a chain or gears, with such wheels in a tandem or tricycle, except that it shall not include such a device having solid tires and intended for use only on a sidewalk by pre-teenage children.

CRITICAL INJURY – A critical injury will be determined based upon the on-scene assessment of Emergency Medical Services (EMS) personnel.

**PROCEDURE** When a collision involving a bicycle only or a bicycle and pedestrian occurs:

**UNIFORMED MEMBER OF THE SERVICE**

1. Render reasonable aid to injured person.
   a. Request an ambulance, if necessary.
2. Request patrol supervisor to respond if collision resulted in death, serious injury and likely to die, or critical injury to an individual.

***NOTE*** *When responding to a collision between a pedestrian or bicyclist and a motor vehicle where the pedestrian or bicyclist was attempting to lawfully cross a street and the motor vehicle operator failed to exercise due care, the member of the service concerned should contemplate taking enforcement action under New York City Administrative Code Section 19-190 as described in Patrol Guide 217-18, "Vehicle Collision – Pedestrian/Bicyclist Right of Way Law."*

**PATROL SUPERVISOR**

3. Ensure compliance with *Patrol Guide 217-02, "Vehicle Collisions Which Result in Death, Serious Injury and Likely to Die, or Critical Injury,"* if collision resulted in death, serious injury and likely to die, or critical injury to an individual.

**UNIFORMED MEMBER OF THE SERVICE**

4. Prepare **Police Accident Report (MV104AN)** via the FORMS MV – 104 system or if unavailable, a handwritten copy.
   a. Write "NO VEHICLE" on the top of **Police Accident Report**, if handwritten copy is prepared.
   b. Enter information concerning operator of bicycle in section captioned "Vehicle 1."
      (1) Enter the name and address of the bicycle rental company in the applicable registration information captions, if a rental bicycle is involved.
   c. Enter "BIKE" for bicycle or "PCAB" for pedicabs in "Vehicle Type" caption.
   d. Enter information of additional party involved (e.g., bicyclist, pedestrian, pedicab, etc.).
      (1) Enter pedicab Department of Consumer Affairs License number in "Driver License ID Number" caption on **Police Accident Report**, if applicable.

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

(2) Enter pedicab registration number in "Plate Number" caption on **Police Accident Report**, if applicable.

e. Enter injured person(s) information (e.g., bicyclist(s), pedestrian(s), pedicab(s), etc.) in the "ALL INVOLVED" section of the **Police Accident Report**, boxes "A through F"

f. Draw a straight line through every unused box in the "ALL INVOLVED" section and initial it, if handwritten copy is prepared.

g. Enter name and address of injured person(s) in Section "A" on reverse side of **Police Accident Report** under caption "Persons Killed or Injured in Accident."

5. Comply with *Patrol Guide 216-03, "Unidentified Persons,"* if person injured is unidentified.

6. Check box captioned "Other City Agency," under section entitled, "Duplicate Copy Required For" on rear of **Police Accident Report**, if necessary, and enter:

a. MISSING PERSONS SQUAD (MEDICAL EXAMINER'S LIAISON UNIT) - If person killed as a result of a bicycle collision NOT involving a motor vehicle.

b. HIGHWAY DISTRICT COLLISION INVESTIGATION SQUAD - If person killed, seriously injured and likely to die, or critically injured as a result of a bicycle collision NOT involving a motor vehicle.

c. DEPARTMENT OF CONSUMER AFFAIRS - If pedicab licensed by Department of Consumer Affairs is involved in a collision.

7. Sign completed **Police Accident Report** and deliver to desk officer, if handwritten copy is prepared.

**C.O./DUTY CAPTAIN/PDS/ HIGHWAY DISTRICT MEMBERS CONCERNED**

8. Comply with *Patrol Guide 217-02, "Vehicle Collisions Which Result in Death, Serious Injury and Likely to Die, or Critical Injury,"* as applicable, if notified to respond by patrol supervisor pursuant to a bicycle collision resulting in death, a serious injury and likely to die, or critical injury to an individual.

**COMMAND CLERK**

9. Notify relatives/friends if person injured is admitted to hospital.

10. Make required entries in the FORMS MV – 104 system for **Police Accident Reports** prepared during the tour.

a. The Accident Number will include the prefix "NV" indicating no vehicle was involved.

**DESK OFFICER**

11. Review and sign all handwritten copies and electronically sign-off on all digital copies of **Police Accident Reports** for collisions occurring in the command and ensure that required entries are made in the FORMS MV – 104 sytem on each tour.

a. Ensure any deficiencies on **Police Accident Reports** are amended by the reporting officer during the tour.

**DESK OFFICER (continued)**

12. Comply with *Patrol Guide 216-03, "Unidentified Persons,"* if person injured is unidentified.

**TRAFFIC SAFETY OFFICER/ DESIGNEE**

13. Review all **Police Accident Reports** (both handwritten and entered directly into the FORMS MV – 104 system).
    a. In absence of traffic safety officer, a uniformed member of the service authorized by the commanding officer, will review **Police Accident Reports**.
14. Inform training sergeant of any deficiencies found in either handwritten or electronically submitted **Police Accident Reports**.
15. After reviewing handwritten copies of **Police Accident Reports**:
    a. Ensure barcode coversheet is generated via FORMS MV – 104 system
    b. Ensure completed handwritten forms are scanned and electronically attached to digital entry by command clerk.

**TRAFFIC SAFETY SERGEANT**

16. Monitor and review all **Police Accident Reports**.

**TRAFFIC SAFETY OFFICER**

17. Forward copies marked "Duplicate Copies For" to appropriate unit/agency.

***ADDITIONAL DATA***

*Uniformed members of the service will utilize an additional **Police Accident Report**, if necessary, to document further information (e.g., multiple injured persons/bicyclists, collision description/officer notes, etc.). Members will ensure that the caption "Page _ of _ Pages" located in the upper left corner of the **Police Accident Report** is properly completed.*

*Pending arrival of an ambulance, the uniformed member should allow a sick/injured person to be treated by a doctor, emergency medical technician or paramedic, if person volunteers his/her services, AND the uniformed member reasonably believes the volunteer is a professional. The medical attention should take place, if possible, under the observation of the member concerned. When the emergency situation is under control, request identification from volunteer, including name and address, and record information in digital **Activity Log** and under "Details" in **Police Accident Report**. The volunteer's role is limited to providing medical assistance ONLY. Determination regarding removal procedures via ambulance, Medevac, etc., will be determined by Emergency Medical Service personnel.*

***RELATED PROCEDURES***

*Vehicle Collisions – General Procedure (P.G. 217-01)*
*Unidentified Persons (P.G. 216-03)*
*Vehicle Collisions Which Result in Death, Serious Injury and Likely to Die, or Critical Injury (P.G. 217-02)*

***FORMS AND REPORTS***

***Police Accident Report (MV104AN)***

**PURPOSE** To record and investigate vehicular collisions involving pedestrians/bicyclists to determine if a motorist violated New York City Administrative Code Section 19-190(b), by failing to yield to a pedestrian/bicyclist who has the right of way and causing physical injury to said person, or to issue a summons when a motorist fails to yield the right of way to a pedestrian/bicyclist who has the right of way but no collision occurred.

**PROCEDURE** Upon notification or observation of a collision between a motor vehicle and pedestrian/bicyclist, or a motorist fails to yield the right of way to a pedestrian /bicyclist who has the right of way but no collision occurred:

MOTORIST FAILED TO YIELD RIGHT OF WAY TO PEDESTRIAN /BICYCLIST NO PHYSICAL INJURY HAS OCCURRED

**UNIFORMED MEMBER OF THE SERVICE**

1. Issue a Traffic Violations Bureau (TVB) summons returnable to TVB for a violation of the appropriate New York City Traffic Rule or New York State Vehicle and Traffic Law, when:
   a. Probable cause is established that the motorist failed to yield the right of way to pedestrian/bicyclist; AND
   b. No physical injury occurred; AND
   c. Offense occurred in officer's presence.

***NOTE*** *If a situation exists as described in step "1(a)" and "1(b)" BUT the responding officer did not personally observe the incident, the officer may still issue a Civil Summons Returnable to the Office of Administrative Trials and Hearings (OATH) if he/she has been informed of the violation by a reliable complainant or witness. The issuing officer must then be guided by "LEGAL CONSIDERATIONS" under the "ADDITIONAL DATA" statement in this procedure.*

2. See examples of New York City Traffic Rules 4-03(a)(1)(i) and 4-04(b)(1) which may apply under "LEGAL CONSIDERATIONS" opposite the "ADDITIONAL DATA" statement below.
3. Describe details of the offense in the space provided on the front page of the Traffic Violations Bureau summons in the caption entitled "Description/Narrative," for example: "A/O observed respondent drive in crosswalk forcing pedestrian to stop to avoid vehicle."

***NOTE*** *In cases where a responding officer did not personally observe an incident wherein a motorist failed to yield the right of way but NO collision resulted, probable cause to issue a Civil Summons Returnable to OATH, for a violation of Administrative Code Section 19-190(a), may be established based on the statement of a witness. Be guided by Patrol Guide 209-12, "Personal Service of Civil Summons Returnable to the Office of Administrative Trials and Hearings (OATH) - General Procedure - Non-CJRA Offenses."*

COLLISION BETWEEN PEDESTRIAN/BICYCLIST PHYSICAL INJURY HAS OCCURRED

**UNIFORMED MEMBER OF THE SERVICE**

4. Park radio motor patrol car behind vehicle involved so that traffic will not be impeded.
5. Ascertain if there are any injuries and request ambulance if needed.
   a. Place **IDENTIFICATION TAG (PD317-091)** on aided if unconscious and removed to hospital.
6. Divert traffic, if necessary.
   a. Use traffic cones and turret lights whenever available.
7. Obtain motorist driver's license, vehicle registration, and insurance identification card.
   a. Record required information and return credentials to motorist.
8. Determine if the pedestrian/bicyclist had the right of way at time of collision.
   a. Be guided by "OPERATIONAL CONSIDERATIONS" opposite the "ADDITIONAL DATA" statement below.
9. Determine if a violation of Administrative Code Section 19-190(b) has occurred through interview, inquiry, observation, and review of:
   a. Motorist
   b. Pedestrian/bicyclist
   c. Witnesses
   d. Condition of vehicle and pedestrian/bicyclist
   e. Particulars of collision scene
   f. Any other related evidence and document in the Details section of the **Police Accident Report (MV104AN)**.
10. Issue a Civil Summons Returnable to the Office of Administrative Trials and Hearings (OATH) to the motorist when probable cause is established that the motorist violated Administrative Code Section 19-190(b).
    a. Note: No violation has occurred if the collision/injury is not the result of the driver's failure to exercise due care. Due care is that which is exercised by reasonably prudent drivers.
    b. If the violation was not personally observed, be guided by "LEGAL CONSIDERATIONS" under "ADDITIONAL DATA" statement.
11. Follow the instructions provided in *P.G. 209-12, "Personal Service of Civil Summons Returnable to the Office of Administrative Trials and Hearings (OATH) - General Procedure - Non-CJRA Offenses"* and complete OATH Code and penalties in accordance with **COMMON OFFENSES RETURNABLE TO THE OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS (OATH) (PD160-013)**.

***NOTE***

*When there is a collision between a vehicle and a pedestrian/bicyclist due to a serious traffic violation, as defined in P.G. 217-01, "Vehicle Collisions - General Procedure," and serious physical injury has occurred, administer a Preliminary Breath Test (PBT) (unless operator is removed from the scene for immediate medical*

***NOTE (continued)*** *attention), if qualified to do so. If not qualified, request assistance from another uniformed member of the service qualified to administer the PBT, and be guided by P.G. 217-01, "Vehicle Collisions – General Procedure."*

COLLISION BETWEEN PEDESTRIAN/BICYCLIST DEATH, SERIOUS INJURY AND LIKELY TO DIE OR CRITICAL INJURY HAS OCCURRED

**UNIFORMED MEMBER OF THE SERVICE**

12. Request patrol supervisor to respond to scene, if death, serious injury and likely to die, or critical injury has occurred.

**PATROL SUPERVISOR**

13. Respond to collision scene and be guided by *P.G. 217-02, "Vehicle Collisions Which Result in Death, Serious Injury and Likely to Die, or Critical Injury,"* if required.

**HIGHWAY DISTRICT, COLLISION INVESTIGATION SQUAD MEMBER**

14. Process vehicle collisions involving a pedestrian/bicyclist which result in death, serious injury and likely to die, or critical injury as described in *P.G. 217-02, "Vehicle Collisions Which Result in Death, Serious Injury and Likely to Die, or Critical Injury."*
15. Upon conferral with and authorization by Collision Investigation Squad supervisor, an arrest may be effected for Administrative Code Section 19-190(b), if investigation reveals circumstances warrant such action.
    a. A **DESK APPEARANCE TICKET** may be issued, if the motorist qualifies.

IN ALL CASES

**UNIFORMED MEMBER OF THE SERVICE**

16. Request patrol supervisor to respond to scene, if a member of the service, on or off duty, within the five boroughs of New York City, in a Department or personal vehicle, struck a pedestrian/bicyclist causing any physical injury and is in violation of Administrative Code Section 19-190(b).

**PATROL SUPERVISOR**

17. Immediately notify the Internal Affairs Bureau Command Center at (212)-741-8401, upon determining that a member of the service, on or off duty, within the five boroughs of New York City, in a Department or personal vehicle, struck a pedestrian/bicyclist causing any physical injury and is in violation of Administrative Code Section 19-190(b).
    a. Enter Internal Affairs Bureau log number in digital **Activity Log** and Command Log.

**DESK OFFICER**

18. Make notifications to Operations Unit, appropriate Department units and/or other agencies as described in *P.G. 208-69, "Notifications in Certain Arrest Situations,"* if applicable.

***ADDITIONAL DATA***

*LEGAL CONSIDERATIONS*

*There may be circumstances where a uniformed member of the service does NOT personally observe a collision involving a motorist and a pedestrian/bicyclist which results in a physical injury. In such circumstances, uniformed members may develop probable cause by interviewing witnesses.*
*In cases where a responding officer did not personally observe an incident, probable cause to issue a Civil Summons Returnable to OATH may be established based on the statement of a witness. In the "Details of Charge(s)" section of the summons, the issuing officer should indicate, for example, that he/she was "informed by John Smith, whose contact information is known to the NYPD, that he observed..." The officer must also complete the "Statement of Witness" section on the reverse side of the white (OATH) copy of the summons by requesting that the witness sign his/her name to indicate that he/she witnessed the commission of the offense and that the details entered on the summons accurately reflect that observation. If the witness refuses to provide identifying information and/or to sign the "Statement of Witness," the issuing officer must write "REFUSED" in the caption provided for the witness signature. All information regarding the summons, including the witness's contact information, if provided, must be documented in the officer's digital* ***Activity Log****.*

*Uniformed members of the service are reminded that even though personal observation is not required to establish probable cause for a Civil Summons Returnable to OATH, personal observation is required to establish probable cause for a Criminal Court summons and other summonses. A Civil Summons Returnable to OATH is returnable to an administrative court that may only impose civil fines. Generally, hearsay is not precluded in administrative courts.*

*New York City Traffic Rule 4-03(a)(1)(i) – When a motorist at an intersection has a green light and a pedestrian crosses directly in front of the motorist, Traffic Rule 4-03(a)(1)(i) does not apply because the pedestrian was not lawfully in the cross walk. However, if the motorist were to turn left or right while the pedestrian crossing signal indicates crossing is permitted, a motorist who does not yield to a pedestrian crossing in the crosswalk will have violated Traffic Rule 4-03(a)(1)(i).*

*New York City Traffic Rule 4-04(b)(1) – When traffic control signals or pedestrian control signals are not in place or not in operation, a motorist who does not yield the right of way to a pedestrian crossing a roadway within a crosswalk when the pedestrian is in the path of the vehicle or is approaching so closely thereto as to be in danger will have violated Traffic Rule 4-04(b)(1). However, if a pedestrian suddenly leaves the curb or other place of safety and walks or runs into the path of a vehicle which is so close that it is impossible for the motorist to yield Traffic Rule 4-04(b)(1) does not apply.*

*OPERATIONAL CONSIDERATIONS*

*Determine if the pedestrian/bicyclist had the right of way at the time of the incident. When pedestrian signals are present, pedestrians must adhere to the following guidelines, according to Administrative Code Section 19-195:*

*a. "Steady walking person": Pedestrians facing this signal may proceed across the roadway in the direction of the signal, and other traffic shall yield the right of way to crossing pedestrians.*

***ADDITIONAL DATA (continued)***

*b. "Flashing upraised hand or flashing upraised hand with pedestrian countdown display": Pedestrians facing either of these signals are advised that there may be insufficient time to cross the roadway. Pedestrians already in the roadway shall proceed to the nearest sidewalk or safety island in the direction of the signal. Other traffic shall yield the right of way to pedestrians proceeding across the roadway within the crosswalk toward the signal while the signal remains flashing.*

c. *"Steady upraised hand": No pedestrians shall start to cross the roadway in the direction of this signal; however any pedestrians who are already crossing the roadway while this signal is displayed shall proceed to the nearest sidewalk or safety island in the direction of the signal while the steady upraised hand signal is showing.*

*When there are <u>no</u> pedestrian traffic signals present, pedestrians and drivers must adhere to the following:*

*a. Operators to yield to pedestrians in crosswalk. When traffic control signals or pedestrian control signals are not in place or not in operation, the operator of a vehicle shall yield the right of way to a pedestrian crossing a roadway within a crosswalk when the pedestrian is in the path of the vehicle or is approaching so closely thereto as to be in danger.*

*When determining if a violation of Administrative Code 19-190(b) has occurred, uniformed members of the service should take all contributing factors into consideration, including:*

*a. Location where the pedestrian was crossing (at the corner or midblock)*
*b. Whether the bicyclist was in a marked bicycle lane, if available*
*c. The speed of the vehicle*
*d. The presence of traffic control devices*
*e. Whether the motorist was using a cellular phone or other electronic device*
*f. Obstructions blocking the motorist's view (a motorist who has an obstructed view must use greater care to avoid pedestrians/bicyclists).*

***RELATED PROCEDURES***

*Vehicle Collisions - General Procedure (P.G. 217-01)*
*Vehicle Collisions Which Result in Death, Serious Injury and Likely to Die, or Critical Injury (P.G. 217-02)*
*Department Vehicle Collisions (P.G. 217-06)*
*Notifications in Certain Arrest Situations (P.G. 208-69)*
*Personal Service of Civil Summons Returnable to the Office of Administrative Trials and Hearings (OATH) - General Procedure - Non-CJRA Offenses (P.G. 209-12)*

***FORMS AND REPORTS***

***IDENTIFICATION TAG (PD317-091)***
***COMPLAIN REPORT WORKSHEET (PD313-152A)***
***DESK APPEARANCE TICKET***
***Police Accident Report (MV104AN)***

**PURPOSE** To record and process property coming into police custody.

**DEFINITIONS** PROPERTY CATEGORIES - Arrest Evidence, DNA Arrest Evidence, Investigatory, DNA Investigatory, Forfeiture, Decedent's Property, Found Property, Safekeeping, Peddler Property, Determine True Owner, Parking Enforcement, Photo Release, Rotation Tow, Other.

PROPERTY TYPE - Firearms, Controlled Substances, Currency, Jewelry, Vehicles/Boats, General Property, Evidence Collection Kits/Swabs, Explosives.

**PROCEDURE** Upon taking property into custody, in addition to any other special procedures:

**UNIFORMED MEMBER OF THE SERVICE**

1. Enter circumstances and description of property in digital **Activity Log**.
2. Notify desk officer.
   a. If property is a vehicle unable to be driven, inform desk officer to request authorized tow/rotation tow, as appropriate.
   b. If property is any type of bicycle, moped, scooter, etc., with an electric drive motor component, inform desk officer and request Emergency Service Unit to respond to disconnect battery prior to storage in a Department facility.
3. Prepare a **PROPERTY CLERK INVOICE WORKSHEET (PD521-141A)**.
   a. Comply with instructions in the Property and Evidence Tracking System.
4. Notify Stolen Property Inquiry Section to cancel or transmit an alarm, as necessary.
5. Notify owner, if known.
6. Cancel alarm for stolen vehicle only after owner takes possession or vehicle has been removed to Property Clerk facility or rotation tow storage facility.
7. Enter notifications and results of inquiries on **WORKSHEET**.
8. Deliver property and completed **WORKSHEET** to desk officer of command of record.

**DESK OFFICER**

9. Review **WORKSHEET** for accuracy.
10. Submit approved **WORKSHEET** to command clerk for entry into the Property and Evidence Tracking System.

**COMMAND CLERK**

11. Enter **WORKSHEET** into the Property and Evidence Tracking System to generate a **PROPERTY CLERK INVOICE (PD521-141)**.
12. Record time and name of FINEST operator who transmitted alarm cancellation on appropriate **INVOICE**, if applicable.

**UNIFORMED MEMBER OF THE SERVICE**

13. Ensure all property is properly tagged, packaged or sealed, and clearly identified by **INVOICE** number and barcode.
14. Ensure that every bag/security envelope or item that can not fit in a bag/security envelope, has a Property and Evidence Tracking System bar-coded label affixed to the upper right hand corner or a Property Clerk Division seal attached to the bag/property.
    a. Affix the Property and Evidence Tracking System bar-coded label to the upper right hand corner of windshield of all automobiles/boats.
15. Digitally sign **INVOICE** verifying accuracy and completeness.

**DESK OFFICER**

16. Review and digitally sign **INVOICE** verifying accuracy and completeness.
17. Photocopy **INVOICE** and forward, direct, to the Commanding Officer, Firearms and Tactics Section, if item being invoiced is a bullet resistant garment.
18. Ensure property is properly stored and location is entered into the Property and Evidence Tracking System utilizing the Property and Evidence Tracking System barcode scanner when available.
    a. Manually enter storage location if barcode scanner is unavailable.
19. Safeguard property until properly disposed of.
20. Telephone New York State Tax Office for pickup of property owned by Division of Lottery. DO NOT send to Property Clerk.

***ADDITIONAL DATA***

*OPERATIONAL CONSIDERATIONS*

*A separate **PROPERTY CLERK INVOICE** will be prepared for each of the following:*

*a. Different property types*
*b. Different property categories*
*c. Different owners*
*d. Property that will be delivered to different locations (e.g., Police Laboratory, Property Clerk, Bomb Squad, OCME, etc.).*

*When preparing a **PROPERTY CLERK INVOICE** where the items invoiced will be sent or have the potential to be sent to the Police Laboratory for laboratory analysis, the **INVOICE** will not exceed twenty line items.*

*Uniformed members of the service who do not have a username and/or password and members of other police agencies will sign **PROPERTY CLERK INVOICE** utilizing the digital signature device.*

*When a vehicle removed by the Sanitation Department or invoiced by this Department has obvious fire damage, the invoicing member will notify Fire Department borough dispatcher; however no **COMPLAINT REPORT (PD313-152)** will be prepared. A Fire Marshal will determine if arson occurred and prepare a **COMPLAINT REPORT**, if necessary.*

*To avoid confusion, do not use the terms "pairs" or "sets" when invoicing property (e.g., a "pair" of trousers, scissors, etc., refers to one item while a "pair" of shoes, gloves, etc., refers to two items). The term "set" (e.g., chess set, golf set, etc.) does not specifically indicate how many items within the "set." Therefore, when invoicing property, the actual number of items will be entered in the box captioned "quantity" on the **INVOICE** and no reference will be made to "pairs" or "sets."*

***ADDITIONAL DATA (continued)***

*When members of the service are invoicing items due to a large scale/bulk seizure (arrest related) or investigatory/operational purchases (UC or CI) and there are two or more cases/boxes which contain several items, the invoicing member will ensure a Property and Evidence Tracking System bar-coded label is affixed to the upper right corner of each case/box as well as the* ***INVOICE*** *number related to the bar-coded label. The invoicing member will ensure that the actual number of items contained in each case/box is properly entered on the* ***INVOICE****.*

***FORMS AND REPORTS***

***COMPLAINT REPORT (PD313-152)***
***PROPERTY CLERK INVOICE WORKSHEET (PD521-141A)***
***PROPERTY CLERK INVOICE (PD521-141)***

NYPD

| Section: Property - General | | Procedure No: 218-02 | |
|---|---|---|---|
| **RETURN OF PROPERTY/VEHICLES AT COMMAND AND PROCESSING VOIDED PROPERTY INVOICES** | | | |
| DATE ISSUED: 01/01/20 | DATE EFFECTIVE: 01/01/20 | REVISION NUMBER: | PAGE: 1 of 2 |

**PURPOSE** To return all property listed on an invoice to legal claimant at a command and process voided **PROPERTY CLERK INVOICES (PD521-141)**.

**PROCEDURE** When all property listed on an invoice is returned to legal claimant at the command or when processing voided **PROPERTY CLERK INVOICES**:

**DESK OFFICER**

1. Require the claimant to produce valid identification, preferably photo identification (see *P.G. 208-28, "Desk Appearance Ticket - Identification Standards,"* step "1," for examples of satisfactory forms of valid identification).
2. Check property/vehicle against **PROPERTY CLERK INVOICE**.
3. Request claimant examine security lead seal and/or plastic security envelope and check against number entered on **INVOICE** (if seal or envelope is used), prior to breaking seal or opening envelope.
4. Complete the "Release/Disposition – Return To Owner" function utilizing the Property and Evidence Tracking System.
   a. Have claimant sign for item(s) utilizing the digital signature capture device.
5. Ensure alarm has been canceled and a notation has been made on **INVOICE** utilizing the Property and Evidence Tracking System.
6. Approve delivery of property/vehicle utilizing username and password.
7. Release property/vehicle to claimant.

VOIDING PROPERTY CLERK INVOICES:

**DESK OFFICER/ INVOICING COMMAND SUPERVISOR**

8. Utilize the "Void Invoice" function, if **PROPERTY CLERK INVOICE** has not been approved by a supervisor and can not be corrected using the "Update Invoice" function (i.e., **INVOICE** should not have been prepared in the first place).

***NOTE*** *Most mistakes or errors on **INVOICES** (i.e., error in entering property description, etc.) can be corrected utilizing the "Update Invoice" function instead of the "Void Invoice" function in the Property and Evidence Tracking System.*

9. Create a new **PROPERTY CLERK INVOICE**, if **INVOICE** has been approved by a supervisor.
   a. Enter in the "Remarks" section, the **INVOICE** number to be voided.
10. Utilize the "Void Invoice" function to void appropriate **INVOICE**.
   a. Enter in the "Remarks" section the reason for voiding **INVOICE** and cross-reference the new **PROPERTY CLERK INVOICE** number.

***NOTE*** *Once an **INVOICE** has been approved by a supervisor, the **INVOICE** can only be voided by a supervisor assigned to the command where the property is physically located.*

**DESK OFFICER/ INVOICING COMMAND SUPERVISOR (continued)**

11. Print an updated version of voided **INVOICES** and **INVOICES** that have been returned to owner (R.T.O.) at the command and file in precinct of record, as follows:
    a. **PROPERTY CLERK INVOICES** will be maintained in designated files in **INVOICE** number order with photocopy of claimant's identification, and/or related documents (i.e., District Attorney's Release, etc.) if any, attached
    b. All other copies may be discarded.

***ADDITIONAL DATA***

*OPERATIONAL CONSIDERATIONS*

*If a pre-printed serial numbered **PROPERTY CLERK INVOICE** or **PROPERTY CLERK'S MOTOR VEHICLE/BOAT INVOICE (PD571-147)**, prepared prior to the implementation of the Property and Evidence Tracking System, is to be voided, mark the **INVOICE** "VOIDED" and file the **INVOICE** at the command. The property listed on the "VOIDED" pre-printed serial numbered **INVOICE** will then be invoiced utilizing the Property and Evidence Tracking System.*

*Commanding officer concerned will investigate circumstances of missing **INVOICES** and take appropriate action.*

*When an investigation is being conducted, property invoiced pertaining to the case will not be released to a claimant without authorization of investigating officer.*

*Stamped or perforated currency will never be returned to a claimant or deposited in the Property Clerk's account in any bank under any circumstances. This currency will be forwarded to the Property Clerk who will arrange for reimbursement of the claimant.*

*Each July, the operations coordinator will ensure that the previous calendar year's filed **INVOICES** are placed in a box, labeled to identify contents, and forwarded to the Property Clerk's warehouse where they will be maintained for the remainder of the retention period (six years).*

***RELATED PROCEDURES***

*Desk Appearance Ticket - Identification Standards (P.G. 208-28)*
*Invoicing Property - General Procedure (P.G. 218-01)*

***FORMS AND REPORTS***

***PROPERTY CLERK INVOICE (PD521-141)***

**PURPOSE** To forward invoiced property to Property Clerk.

**PROCEDURE** When property is to be delivered to Property Clerk.

PROPERTY DELIVERED TO PROPERTY CLERK BY COMMAND MESSENGER:

**DESK OFFICER**

1. Utilize the Property and Evidence Tracking System to create a **PROPERTY TRANSFER REPORT (PD521-1412)**.
   a. Assign a member of the service to be the command messenger.

**COMMAND MESSENGER**

2. Compare **PROPERTY CLERK INVOICES (PD521-141)** against property for completeness and accuracy.
3. Digitally sign **PROPERTY TRANSFER REPORT** if no discrepancies.

IF DISCREPANCIES EXIST:

**COMMAND MESSENGER**

4. Notify desk officer if any item listed on the **PROPERTY CLERK INVOICES** is missing.

**DESK OFFICER**

5. Conduct immediate investigation and notify commanding officer/duty captain and Internal Affairs Bureau (IAB) Command Center when any item listed on **PROPERTY CLERK INVOICE** is missing.
6. Ensure IAB Log Number is entered in the "Remarks" section of the **PROPERTY CLERK INVOICE**.

IF DISCREPANCIES NO LONGER EXIST OR HAVE BEEN CORRECTED:

**COMMAND MESSENGER**

7. Deliver property to appropriate Property Clerk storage facility.

**MEMBER OF THE SERVICE, PROPERTY CLERK DIVISION**

8. Compare property delivered against **PROPERTY TRANSFER REPORT** and **INVOICE** and, if accurate, confirm acceptance of property in the Property and Evidence Tracking System.
9. Notify immediate supervisor, Property Clerk Division integrity control officer and Internal Affairs Bureau, if any item listed on **PROPERTY CLERK INVOICES** or **PROPERTY TRANSFER REPORT** is missing.
10. Ensure IAB Log Number is entered in the "Remarks" section of the **PROPERTY CLERK INVOICE** utilizing the Property and Evidence Tracking System, when IAB has been notified of any discrepancy.
11. Select appropriate rejection reason in the Property and Evidence Tracking System and return property to forwarding command with command messenger, if applicable.
12. Approve receipt of delivery utilizing username and password under **PROPERTY TRANSFER REPORT**, if property is accepted.

**COMMAND MESSENGER**

13. Return property to desk officer, if applicable.

**DESK OFFICER**

14. Accept transfer of rejected property utilizing the Property and Evidence System.
15. Have necessary corrections made for any returned property.
    a. Have investigation conducted, if appropriate.

**INTEGRITY CONTROL OFFICER**

16. Verify that all property not forwarded to the Property Clerk or Police Laboratory is accounted for and adequately secured at command.

***ADDITIONAL DATA***

*OPERATIONAL CONSIDERATIONS*

*If there are additional items which were not originally listed on a **PROPERTY CLERK INVOICE**, the additional items will be invoiced separately and cross-referenced to the original related **INVOICE** utilizing the related invoice function in the Property and Evidence Tracking System.*

*It is important to note that the member of the service assigned and listed on a **PROPERTY TRANSFER REPORT** as the command messenger within the Property and Evidence Tracking System, must be the member of the service who transfers and delivers the property to the Property Clerk Division.*

***RELATED PROCEDURES***

*Invoicing Property - General Procedure (P.G. 218-01)*
*Return of Property/Vehicles at Command And Processing Voided Property Invoices (P.G.218-02)*

***FORMS AND REPORTS***

***PROPERTY TRANSFER REPORT (PD521-1412)***
***PROPERTY CLERK INVOICE (PD521-141)***

**PURPOSE** To provide a standard procedure for the delivery of evidence from a precinct, PSA and transit district command to the Police Laboratory.

**DEFINITIONS** CRIMINALISTICS EVIDENCE - Trace evidence (e.g., hair, fiber, paint, gun shot residue), questioned document evidence, footwear evidence, tire tread evidence, toolmark evidence, fingerprint evidence and any other forensic evidence that is not Firearms/Firearms related evidence, Controlled Substances/Marijuana evidence or DNA evidence.

**PROCEDURE** When Firearms/Firearms related evidence and/or Controlled Substances/Marijuana evidence and/or DNA evidence and/or Criminalistics evidence is present at a precinct, PSA and transit district command:

**DESK OFFICER**

1. Notify the patrol borough prior to 0030 hours that Firearms/Firearms related evidence, and/or Controlled Substances/Marijuana evidence, and/or DNA evidence, and/or Criminalistics evidence is being delivered to the patrol borough.
2. Designate a uniformed member of the service to be the Command Messenger; and, to deliver Firearms/Firearms related evidence, and Controlled Substances/Marijuana evidence, and DNA evidence, and Criminalistics evidence from the precinct, PSA and transit district command to the patrol borough.

FIREARMS AND FIREARMS RELATED EVIDENCE

**DESK OFFICER**

3. Remove **ALL** Firearms/Firearms related evidence from the property locker/room.
4. Ensure the following are attached to **each** Firearms/Firearms related evidence container/package:
   a. Copy of the OMNIFORM computer generated **COMPLAINT REPORT (PD313-152)** or, if unavailable, a copy of the **COMPLAINT REPORT WORKSHEET (PD313-152a)**
   b. **REQUEST FOR LABORATORY EXAMINATION REPORT (PD521-168)**
   c. Appropriate copies of **PROPERTY CLERK INVOICE (PD521-141)**
   d. FINEST printout for each firearm.
5. Create a **PROPERTY TRANSFER REPORT (PD521-1412)** utilizing the Property and Evidence Tracking System to ensure all Firearms/ Firearms related evidence is appropriately entered in compliance with Department procedures.

**DESK OFFICER (continued)**

6. Compare each Firearms/Firearms related evidence container/package to each associated/related **PROPERTY CLERK INVOICE** and to each associated/related **PROPERTY TRANSFER REPORT**.
   a. Ensure all Firearms/Firearms related evidence is properly accounted for.
7. Ensure **ALL** Firearms/Firearms related evidence was removed from the property locker/room.
8. Place all Firearms/Firearms related evidence in a **SEPARATE** transparent bag together with all associated/related forms, reports, records, etc.
9. Seal **each** transparent bag containing Firearms/Firearms related evidence with a plastic Property Clerk Division Seal.
   a. Enter **each** Property Clerk Division seal number in Command Log to account for each seal used.
10. Safeguard **each** transparent bag containing Firearms/Firearms related evidence at the precinct, PSA and transit district desk until transported to the patrol borough by the command messenger.

CONTROLLED SUBSTANCES/MARIJUANA EVIDENCE

**DESK OFFICER**

11. Remove the security lead seal from the Controlled Substances/Marijuana locker/safe.
12. Enter in the Command Log the serial number of the security lead seal removed from the Controlled Substances/Marijuana locker/safe.
13. Remove **ALL** narcotic security envelopes and **ALL** other Controlled Substances/Marijuana evidence containers/packages from the Controlled Substances/Marijuana locker/safe.
14. Lock Controlled Substances/Marijuana locker/safe and affix a new security lead seal.
15. Enter in the Command Log the serial number of the new security lead seal affixed to the Controlled Substances/Marijuana locker/safe.
16. Ensure the following are attached to **each** Controlled Substances/Marijuana evidence container/package:
    a. Appropriate copies of **PROPERTY CLERK INVOICE**
    b. If applicable, a copy of **all** associated/related **ON LINE BOOKING SYSTEM ARREST WORKSHEETS**.
17. Ensure appropriate copies of **PROPERTY CLERK INVOICE** are attached to **each** Controlled Substances/Marijuana evidence container/package.
18. Create a **PROPERTY TRANSFER REPORT**, utilizing the Property and Evidence Tracking System to ensure all Controlled Substances/Marijuana evidence is appropriately entered in compliance with Department procedures.
    a. Contact the Police Laboratory's Evidence Control Supervisor prior to the delivery of hypodermic needles, large seizures of marijuana, large containers containing liquids, etc.
19. Compare each Controlled Substances/Marijuana evidence container/package to each associated/related **PROPERTY CLERK**

**DESK OFFICER (continued)**

**INVOICE** and to each associated/related **PROPERTY TRANSFER REPORT**.

a. Ensure all Controlled Substances/Marijuana evidence is properly accounted for.

20. Place all Controlled Substances/Marijuana evidence in a **SEPARATE** transparent bag along with all associated/related forms, reports, records, etc.
21. Seal **each** transparent bag containing Controlled Substances/Marijuana evidence with a plastic Property Clerk Division Seal.
    a. Enter **each** Property Clerk Division seal number in Command Log to account for each seal used.
22. Safeguard **each** transparent bag containing Controlled Substances/Marijuana evidence at the precinct, PSA and transit district desk until transported to the patrol borough by the command messenger.

DNA EVIDENCE

**DESK OFFICER**

23. Remove **ALL** DNA evidence including Sexual Offense Evidence Collection Kits from the property locker/room.
24. Ensure the following are prepared and attached to **each** DNA evidence container/package:
    a. Copy of the **COMPLAINT REPORT WORKSHEET** or, if available, a copy of the OMNIFORM computer generated **COMPLAINT REPORT**
    b. **REQUEST FOR LABORATORY EXAMINATION REPORT**
    c. Appropriate copies of **PROPERTY CLERK INVOICE**
    d. If applicable, a copy of **all** associated/related **ON LINE BOOKING SYSTEM ARREST WORKSHEETS**.
25. Create a **PROPERTY TRANSFER REPORT**, utilizing the Property and Evidence Tracking System to ensure all DNA evidence is appropriately entered in compliance with Department procedures.
26. Compare each DNA evidence container/package to each associated/related **PROPERTY CLERK INVOICE** and to each associated/related **PROPERTY TRANSFER REPORT**.
    a. Ensure all DNA evidence is properly accounted for.
27. Ensure **ALL** DNA evidence was removed from the property locker/room.
28. Place all DNA evidence in a **SEPARATE** transparent bag along with all associated/related forms, reports, records, etc.
29. Seal **each** transparent bag containing DNA evidence with a plastic Property Clerk Division Seal.
    a. Enter **each** Property Clerk Division seal number in Command Log to account for each seal used.
30. Affix an orange bio-hazard sticker on **each** transparent bag containing DNA evidence.
31. Safeguard **each** transparent bag containing DNA evidence at the precinct, PSA and transit district desk until transported to the patrol borough by the command messenger.

CRIMINALISTICS EVIDENCE

**DESK OFFICER**

32. Remove **ALL** Criminalistics evidence from the property locker/room.
33. Ensure the following are prepared and attached to **each** Criminalistics evidence container / package:
    a. Copy of the **COMPLAINT REPORT WORKSHEET** or, if available, a copy of the OMNIFORM computer generated **COMPLAINT REPORT**
    b. **REQUEST FOR LABORATORY EXAMINATION REPORT**
    c. Appropriate copies of **PROPERTY CLERK INVOICE**
    d. If applicable, a copy of all associated/related **ON LINE BOOKING SYSTEM ARREST WORKSHEETS**.
34. Create a **PROPERTY TRANSFER REPORT**, utilizing the Property and Evidence Tracking System to ensure all Criminalistics evidence is appropriately entered in compliance with Department procedures.
35. Compare each Criminalistics evidence container/package to each associated/related **PROPERTY CLERK INVOICE** and to each associated/related **PROPERTY TRANSFER REPORT**.
    a. Ensure all Criminalistics evidence is properly accounted for.
36. Ensure **ALL** Criminalistics evidence was removed from the property locker/room.
37. Place all Criminalistics evidence in a **SEPARATE** transparent bag along with all associated/related forms, reports, records, etc.
38. Seal **each** transparent bag containing Criminalistics evidence with a plastic Property Clerk Division Seal.
    a. Enter **each** Property Clerk Division seal number in Command Log to account for each seal used.
39. Safeguard **each** transparent bag containing Criminalistics evidence at the precinct, PSA and transit district desk until transported to the patrol borough by the command messenger.

IN ALL CASES

**DESK OFFICER**

40. Make an entry in Command Log including
    a. All **PROPERTY CLERK INVOICE** numbers
    b. Rank, name and tax # of the command messenger
    c. Department vehicle # of the assigned vehicle
    d. The total number of transparent bags being delivered to the designated patrol borough delivery location
    e. Plastic Property Clerk Division Seal Number on **each** transparent bag.

**COMMAND MESSENGER**

41. Compare all **PROPERTY TRANSFER REPORTS** against Property Clerk Division seals.
42. Digitally sign **PROPERTY TRANSFER REPORTS**.

**DESK OFFICER**

43. Digitally sign **PROPERTY TRANSFER REPORTS**.

**COMMAND MESSENGER**

44. **Immediately** deliver all of the transparent bags **direct** to the designated patrol borough delivery location.

**PATROL BOROUGH MEMBER**

45. Inspect **EACH** transparent bag, and ensure:
    a. Each transparent bag delivered to the patrol borough by each command is properly listed on the appropriate **PROPERTY TRANSFER REPORT**
    b. Each transparent bag that is listed on **each PROPERTY TRANSFER REPORT** was delivered to the patrol borough
    c. If accurate, confirm acceptance of **PROPERTY TRANSFER REPORTS** in Property and Evidence Tracking System.
46. Print completed **PROPERTY TRANSFER REPORT ACCEPTANCE DOCUMENT (PD521-172)** for each **PROPERTY TRANSFER REPORT** accepted, and provide to command messenger.
47. Select appropriate rejection reason in the Property and Evidence Tracking System, if property is not accepted.
    a. Create a **PROPERTY TRANSFER REPORT** from the patrol borough to the appropriate precinct, PSA or transit district and forward to command with command messenger.

**COMMAND MESSENGER**

48. Deliver **each PROPERTY TRANSFER REPORT ACCEPTANCE DOCUMENT** to the desk officer.

**DESK OFFICER**

49. File each **PROPERTY TRANSFER REPORT ACCEPTANCE DOCUMENT**.

TRANSFERS FROM PATROL BOROUGH TO POLICE LABORATORY

**PATROL BOROUGH MESSENGER**

50. Create separate **PROPERTY TRANSFER REPORT** utilizing the Property and Evidence Tracking System for all Firearms/Firearms related evidence, Controlled Substances/Marijuana evidence, DNA evidence, and Criminalistics evidence and digitally sign **PROPERTY TRANSFER REPORT**.
    a. Ensure that each **PROPERTY TRANSFER REPORT** does not contain more than three commands in order to expedite the intake process at the Police Laboratory.
    b. Utilize the reusable nylon mesh bags provided by the Property Clerk Division to bundle several transparent bags, if necessary.
        (1) Upon completion of delivery, return nylon mesh bags to patrol borough.

**PATROL BOROUGH MEMBER (Wheel Officer)**

51. Review and digitally sign **PROPERTY TRANSFER REPORT**.

**PATROL BOROUGH MESSENGER**

52. **Immediately** deliver **ALL** of the transparent bags **direct** to the Police Laboratory, **and ensure the evidence arrives at the Police Laboratory before 0200 hours**.
    a. The Police Laboratory will be responsible for delivering all DNA evidence to the OCME laboratory.
53. Transfer all transparent bags to the appropriate Police Laboratory Evidence Control Officers.
    a. Firearms / Firearms related evidence - Firearms Analysis Section, Evidence Control Officers.
    b. Controlled Substances / Marijuana evidence - Controlled Substance Analysis Section, Evidence Control Officers.
    c. DNA evidence - DNA Evidence Intake, Evidence Control Officers.
    d. Criminalistics evidence - Criminalistics Section, Evidence Control Officers.

**POLICE LABORATORY EVIDENCE CONTROL OFFICERS**

54. Inspect **EACH** transparent bag delivered by each Patrol Borough Messenger; and, ensure:
    a. Each transparent bag delivered to the Police Laboratory by each Patrol Borough Messenger is properly listed on the appropriate **PROPERTY TRANSFER REPORT**
    b. Each transparent bag listed on each **PROPERTY TRANSFER REPORT** was delivered to the Police Laboratory.
55. Notify an appropriate Evidence Control Supervisor if there is a discrepancy.

**POLICE LABORATORY EVIDENCE CONTROL SUPERVISOR**

56. If there is a discrepancy involving the results of the inspection:
    a. Notify the appropriate/involved:
        (1) Patrol borough duty captain
        (2) Patrol borough member of the service ("Wheel Officer")
        (3) Desk officer.
    b. Conduct an investigation
    c. Prepare a report on **Typed Letterhead** to the Commanding Officer, Forensic Investigations Division regarding the results of the investigation involving the evidence delivery discrepancy.

**PATROL BOROUGH DUTY CAPTAIN**

57. Notify Internal Affairs Bureau regarding discrepancy.

**POLICE LABORATORY EVIDENCE CONTROL OFFICERS**

58. Inspect all of the contents of **each** transparent bag in the presence of the appropriate Patrol Borough Messenger, **and** verify the following:
    a. Each evidence container/package present in each transparent bag is listed on a **PROPERTY CLERK INVOICE** that is attached thereto

**POLICE LABORATORY EVIDENCE CONTROL OFFICERS (continued)**

b. Each evidence container/package listed on each **INVOICE** is present in each transparent bag
c. Each **INVOICE** present in each transparent bag is listed on a **PROPERTY TRANSFER REPORT**
d. Each **INVOICE** listed on each **PROPERTY TRANSFER REPORT** is present in each transparent bag
e. If accurate, confirm acceptance of **PROPERTY TRANSFER REPORT** in the Property and Evidence Tracking System.

59. Confer with Patrol Borough Messenger regarding the results of the inspection of the contents of each transparent bag.

60. Notify an appropriate Evidence Control Supervisor if there is a discrepancy.

**POLICE LABORATORY EVIDENCE CONTROL SUPERVISOR**

61. If there is a discrepancy involving the results of the inspection:
a. Notify the appropriate/involved:
(1) Patrol borough duty captain
(2) Patrol borough member of the service ("Wheel Officer")
(3) Desk officer.
b. Conduct an investigation
c. Prepare a report on **Typed Letterhead** to the Commanding Officer, Forensic Investigations Division regarding the results of the investigation involving the evidence delivery discrepancy
d. Make the necessary entries in "Remarks" section in on one or more appropriate **INVOICE(S)/PROPERTY TRANSFER REPORT(S)**.

**PATROL BOROUGH DUTY CAPTAIN**

62. Notify Internal Affairs Bureau regarding discrepancy.

**POLICE LABORATORY EVIDENCE CONTROL OFFICERS**

63. Assign an appropriate Police Laboratory "Laboratory Number" to **each INVOICE** listed on **each PROPERTY TRANSFER REPORT** present in **each** transparent bag.

64. Print four copies of the **PROPERTY TRANSFER REPORT ACCEPTANCE DOCUMENT** for each **PROPERTY TRANSFER REPORT** accepted.
a. Provide three copies to Patrol Borough Messenger.
b. Retain one copy for Police Laboratory use.

**PATROL BOROUGH MESSENGER**

65. Obtain three copies of the **PROPERTY TRANSFER REPORT ACCEPTANCE DOCUMENT** for **each PROPERTY TRANSFER REPORT** that lists:
a. Firearms / Firearms related evidence
b. DNA evidence
c. Criminalistics evidence.

**PATROL**

**BOROUGH MESSENGER (continued)**

66. If extraordinary circumstances exist, obtain three copies of each **PROPERTY TRANSFER REPORT ACCEPTANCE DOCUMENT** that list Controlled Substances/Marijuana evidence.
67. Deliver all of the **PROPERTY TRANSFER REPORT ACCEPTANCE DOCUMENTS** to the patrol borough.

**PATROL BOROUGH SUPERVISOR**

68. File one copy of each **PROPERTY TRANSFER REPORT ACCEPTANCE DOCUMENT** at the patrol borough.
69. Ensure one copy of each **PROPERTY TRANSFER REPORT ACCEPTANCE DOCUMENT** is delivered to the appropriate precinct, PSA and transit district.
70. Ensure one copy of each **PROPERTY TRANSFER REPORT ACCEPTANCE DOCUMENT** that lists Firearms/Firearms related evidence, and/or DNA evidence, and/or Criminalistics evidence, and/or if applicable, Controlled Substances/Marijuana evidence is hand delivered by 0900 hours each day to the Detective Borough.

**DETECTIVE BOROUGH SUPERVISOR**

71. Ensure daily that one copy of **each PROPERTY TRANSFER REPORT ACCEPTANCE DOCUMENT** that lists Firearms/Firearms related evidence, and/or DNA evidence, and/or Criminalistics evidence, and/or if applicable, Controlled Substances/Marijuana evidence is:
    a. Received from the involved patrol borough; **and**,
    b. Delivered to the appropriate detective squad.

**DETECTIVE SQUAD SUPERVISOR**

72. Ensure **all** DNA evidence and **all** Firearms/Firearms related evidence and **all** Criminalistics evidence and, if applicable, **all** Controlled Substances/Marijuana evidence and **all** other forensic evidence is delivered to and actually received by the correct laboratory or laboratories in a timely manner in compliance with the applicable Department procedures.
73. Ensure one copy of each **PROPERTY TRANSFER REPORT ACCEPTANCE DOCUMENT** is immediately placed in the appropriate case file.
74. Ensure a **COMPLAINT FOLLOW-UP INFORMATIONAL (pink) (PD313-081A)** is generated and placed in the appropriate case file indicating the:
    a. Date and time of delivery of **all** DNA evidence and **all** Firearms/Firearms related evidence and **all** Criminalistics evidence and, if applicable, **all** Controlled Substances/Marijuana evidence and **all** other forensic evidence delivered to the Police Laboratory and/or the OCME DNA Laboratory and / or any other Laboratory/Unit; and,
    b. Police Laboratory and/or OCME DNA Laboratory and/or other Laboratory/Unit "Evidence Control Number" for **all** DNA evidence and **all** Firearms / Firearms related evidence and **all** Criminalistics evidence and, if applicable, **all** Controlled Substances/Marijuana evidence and all other forensic evidence delivered to the Police Laboratory and/or the OCME DNA Laboratory and/or any other Laboratory/Unit.

ITEMS REJECTED AT POLICE LABORATORY

| | | |
|---|---|---|
| **POLICE LABORATORY EVIDENCE CONTROL OFFICERS** | 75. | Select the appropriate rejection reason. |
| **PATROL BOROUGH MESSENGER** | 76. | Review and digitally sign **PROPERTY TRANSFER REPORT** returning items to Patrol Borough. |
| **POLICE LABORATORY EVIDENCE CONTROL SUPERVISOR** | 77. | Digitally sign **PROPERTY TRANSFER REPORT** returning items to Patrol Borough. |
| **PATROL BOROUGH MESSENGER** | 78. | Deliver rejected items and **PROPERTY TRANSFER REPORT** to Patrol Borough. |
| **PATROL BOROUGH MEMBER (Wheel Officer)** | 79. | Confirm acceptance of **PROPERTY TRANSFER REPORT** utilizing the Property and Evidence Tracking System. |
| | 80. | Notify desk officer command concerned of rejected items. |
| **DESK OFFICER COMMAND CONCERNED** | 81. | Instruct command messenger to retrieve reject items from Patrol Borough. |
| **PATROL BOROUGH MEMBER (Wheel Officer)** | 82. | Create separate **PROPERTY TRANSFER REPORT** utilizing the Property and Evidence Tracking System for each command for all rejected items and electronically sign **PROPERTY TRANSFER REPORT**. |
| **COMMAND MESSENGER** | 83. | Review and digitally sign **PROPERTY TRANSFER REPORT**. |
| | 84. | Deliver rejected items and **PROPERTY TRANSFER REPORT** to desk officer. |
| **DESK OFFICER** | 85. | Confirm acceptance of **PROPERTY TRANSFER REPORT** utilizing the Property and Evidence Tracking System. |
| | 86. | Ensure that all corrections are completed for rejected items. |

***ADDITIONAL DATA***

*OPERATIONAL CONSIDERATIONS*

*Due to the danger in handling and analyzing hypodermic needles, they will be delivered directly to a Property Clerk facility and not delivered to the Police Laboratory for analysis unless there is a serious felony charge associated with such evidence other than Criminal Sale or Possession of a Controlled Substance. The Police Laboratory's Evidence Control Supervisor is available twenty-four hours a day, seven days a week to provide guidance to members of the service regarding this matter.*

*Due to a limited amount of storage space at the Police Laboratory and to ensure the safety of all members concerned, cases involving large seizures of Marijuana or any other unusual or potential harmful material, such as large containers of liquids (e.g., PCP, acids, etc.), a Police Laboratory Evidence Control Supervisor must be conferred with for direction prior to the evidence being delivered to the Police Laboratory.*

*Unless there are exigent circumstances, desk officers must ensure that Controlled Substances/Marijuana evidence and Firearms/Firearms related evidence and DNA evidence and Criminalistics evidence are delivered to the patrol borough each day on the first platoon prior to 0100 hours. If exigent circumstances exist, the desk officer must obtain the approval from the commanding officer / duty captain to not comply with this procedure.*

*Each day, at 0100 hours the patrol borough "Wheel Officer" will call* ***ALL*** *of the desk officers who failed to notify them regarding the delivery of Controlled Substances / Marijuana evidence, Firearms / Firearms related evidence, Criminalistics evidence or DNA evidence from their commands to the patrol borough, and will determine if there will be a delivery to the patrol borough. If the desk officer informs the patrol borough clerical officer that there are exigent circumstances and there will be no delivery of Controlled Substances / Marijuana evidence, Firearms / Firearms related evidence, Criminalistics evidence or DNA evidence to the patrol borough, then the borough clerical officer will immediately notify the commanding officer / duty captain. The commanding officer / duty captain will contact the involved desk officers and determine whether there are exigent circumstances to justify non compliance with this procedure, and will confer with the patrol borough clerical officer. If there are exigent circumstances to justify non compliance with this procedure, the commanding officer / duty captain will prepare a report on* ***Typed Letterhead*** *to the Chief of Patrol through channels describing the facts regarding the exigent circumstances and explaining why the forensic evidence could not be delivered to the patrol borough in compliance with this procedure.*

*If an evidence delivery to the Police Laboratory is missed by a command, that command MUST deliver all controlled substances and firearms/firearms related evidence for Criminal Procedure Law 180.80 and 170.70 cases on the second platoon.*

*It is important to note that the messenger listed on the* ***PROPERTY TRANSFER REPORT*** *must be the same member that delivers the evidence to the Police Laboratory. Any discrepancy between the member listed and the member who delivers the property will result in a rejection of evidence at the Police Laboratory.*

***ADDITIONAL DATA (continued)***

*The Police Laboratory may reject evidence for several reasons. Reasons for valid rejections include the following:*

*a. Unsigned voucher by officer and/or supervisor*

*b. **COMPLAINT REPORT** not prepared or missing*

*c. **PROPERTY TRANSFER REPORT** not prepared or missing*

*d. **REQUEST FOR LABORATORY EXAMINATION REPORT** missing/incomplete*

*e. Evidence not rendered safe (e.g., radiological, biological, bomb material not "rendered safe" by bomb squad personnel, etc., after reasonable determination by a Police Laboratory Evidence Control Section Supervisor)*

*f. Hypodermic needle invoiced for Criminal Possession of Controlled Substance/Criminal Sale of Controlled Substance, due to the danger involved in handling*

*(1) Hypodermic needles submitted for homicides, assaults or other major crimes will be accepted if packaged properly.*

*g. Any evidence improperly invoiced as per Department guidelines (e.g., narcotics invoiced with Criminalistics evidence, firearm evidence invoiced with holster/silencer, items not analyzed, etc.)*

*h. Any other evidence at the direction of the Police Laboratory Director/Deputy Director.*

***RELATED PROCEDURES***

*Immediate Delivery of DNA Evidence to the Police Laboratory and the Office of the Chief Medical Examiner (P.G. 218-49)*

*Processing Controlled Substances/Marijuana Contraband Stored at Stationhouse (P.G. 218-24)*

***FORMS AND REPORTS***

***COMPLAINT REPORT***
***REQUEST FOR LABORATORY EXAMINATION REPORT (PD521-168)***
***ON-LINE BOOKING SYSTEM ARREST WORKSHEET (PD244-159)***
***PROPERTY CLERK INVOICE (PD521-141)***
***PROPERTY TRANSFER REPORT (PD521-1412)***
***PROPERTY TRANSFER REPORT ACCEPTANCE DOCUMENT (PD521-172)***
***COMPLAINT FOLLOW-UP INFORMATIONAL (pink) (PD313-081A)***
***Typed Letterhead***

NYPD

| Section: Property - General | | Procedure No: 218-05 | |
|---|---|---|---|
| **RECORDING OF ARREST AND PROPERTY CLERK INVOICE NUMBERS ON ARREST RELATED REPORTS** | | | |
| DATE ISSUED: 08/01/13 | DATE EFFECTIVE: 08/01/13 | REVISION NUMBER: | PAGE: 1 of 2 |

**PURPOSE** To determine the disposition of prisoners (i.e., pled guilty at arraignment, case dismissed at arraignment, District Attorney's Office declined to prosecute case, etc.) and to allow for the processing and/or disposing of property invoiced as arrest evidence.

**SCOPE** This procedure applies to all uniformed members who invoiced evidence that is related to or seized in connection with an arrest.

**PROCEDURE** Whenever evidence is to be invoiced in connection with an arrest:

**INVOICING MEMBER OF THE SERVICE**

1. Prepare **PROPERTY CLERK INVOICE (PD521-141)** utilizing the Property and Evidence Tracking System with particular attention being given to the following captions:
   a. Age of prisoner
   b. Prisoner's date of birth
   c. **COMPLAINT REPORT (PD313-152)** number(s)
   d. Charge/offense under investigation
   e. Prisoner's arrest number
   f. Arrest number for additional prisoner(s).
2. Enter **PROPERTY CLERK INVOICE (PD521-141)** number in appropriate caption on the **ON-LINE BOOKING SYSTEM ARREST WORKSHEET (PD244-159)**.
3. Ensure that ALL related **INVOICES** are properly documented on the **PROPERTY CLERK INVOICE**.
4. Prepare **REQUEST FOR LABORATORY EXAMINATION REPORT (PD521-168)**, utilizing the Property and Evidence Tracking System, if necessary.
   a. Enter the names, precinct of arrest, and ages of ALL prisoners whose arrest is based upon the seizure of property invoiced on the **PROPERTY CLERK INVOICE**.

**DESK OFFICER**

5. Verify and ensure that ALL captions on the **PROPERTY CLERK INVOICE**, **REQUEST FOR LABORATORY EXAMINATION REPORT** and **ON-LINE BOOKING SYSTEM ARREST WORKSHEET** have been accurately completed, including arrest and **INVOICE** numbers, where appropriate.
6. Ensure that ALL related **PROPERTY CLERK INVOICES**, with arrest numbers entered, are delivered to the Police Laboratory, Firearms Analysis Section or Property Clerk Division at the same time.

***ADDITIONAL DATA***

*OPERATIONAL CONSIDERATIONS*

*Members of the service should be aware that it is extremely important that all defendant information be listed on the* ***REQUEST FOR LABORATORY EXAMINATION REPORT****. If all defendants are not identified, it could be possible that the invoiced arrest evidence, (i.e., firearms, controlled substances, etc.) could be destroyed before the accomplices/facilitators and other co-defendants are tried. This will result in the accomplices/facilitators criminal charges being dismissed.*

***RELATED PROCEDURE***

*Invoicing Property - General Procedure (P.G. 218-01)*

***FORMS AND REPORTS***

***COMPLAINT REPORT (PD313-152)***
***ON-LINE BOOKING SYSTEM ARREST WORKSHEET (PD244-159)***
***PROPERTY CLERK INVOICE (PD521-141)***
***REQUEST FOR LABORATORY EXAMINATION REPORT (PD521-168)***

| Section: Property - General | | Procedure No: 218-06 | |
|---|---|---|---|
| **TEMPORARY REMOVAL OF INVOICED PROPERTY FROM THE COMMAND** | | | |
| DATE ISSUED: 07/01/20 | DATE EFFECTIVE: 07/01/20 | REVISION NUMBER: | PAGE: 1 of 2 |

**PURPOSE** To account for invoiced property which is temporarily removed from the command by a uniformed member of the service.

**PROCEDURE** When it is necessary for a uniformed member of the service to temporarily remove invoiced property from the command to court or other authorized agency:

**UNIFORMED MEMBER OF THE SERVICE**

1. Request property from the desk officer.
   a. Give reason for removal.

**DESK OFFICER**

2. Verify identity of uniformed member of the service by inspecting **IDENTIFICATION CARD (PD416-091)**, if assigned to another command.
3. Have **PROPERTY TRANSFER REPORT (PD521-1412)** prepared utilizing the Property and Evidence Tracking System.
4. Have the requesting officer digitally sign **PROPERTY TRANSFER REPORT** and capture fingerprint utilizing the digital signature device.
5. Digitally sign **PROPERTY TRANSFER REPORT**.
6. Print **PROPERTY TRANSFER REPORT** and deliver it along with the property to uniformed member of the service.

**UNIFORMED MEMBER OF THE SERVICE**

7. Obtain receipt if property is retained by court or other authorized agency.
   a. Make digital **Activity Log** entry.
8. Deliver property or receipt to desk officer.

**DESK OFFICER**

9. Make entry in Command Log listing identity of member of the service delivering property or receipt and **INVOICE** number.
10. Forward receipt to the Property Clerk Borough Office for entry into the Property and Evidence Tracking System.

WHEN PROPERTY IS RETURNED TO COMMAND:

**DESK OFFICER**

11. Check property against **INVOICE** utilizing the Property and Evidence Tracking System.
12. Perform "Intake" function in the Property and Evidence Tracking System.
13. Ensure property is properly stored and location is entered into the Property and Evidence Tracking System.

***ADDITIONAL DATA***

*LEGAL CONSIDERATIONS*

*All official requests for property should be accompanied by a subpoena from the requesting agency, if other than the New York City Police Department, assistant district attorneys and assistant corporation counsels. (See P.G. 211-15, "Processing Subpoenas for Police Department Records and for Testimony by Members of the Service.")*

| | |
|---|---|
| ***RELATED PROCEDURE*** | *Processing Subpoenas for Police Department Records and for Testimony by Members of the Service (P.G. 211-15)* |
| ***FORMS AND REPORTS*** | ***IDENTIFICATION CARD (PD416-091)***<br>***PROPERTY CLERK INVOICE (PD521-141)***<br>***PROPERTY TRANSFER REPORT (PD521-1412)*** |

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| Section: Property - General | | Procedure No: 218-07 | |
|---|---|---|---|
| **REMOVAL AND RETURN OF EVIDENCE TO PROPERTY CLERK DIVISION** | | | |
| DATE ISSUED: 08/01/13 | DATE EFFECTIVE: 08/01/13 | REVISION NUMBER: | PAGE: 1 of 2 |

**PURPOSE** To control removal and return of evidence from Property Clerk facility for presentation in court.

**PROCEDURE** When evidence in custody of the Property Clerk is required in court or other authorized agency:

**UNIFORMED MEMBER OF THE SERVICE**

1. Request evidence from member assigned to Property Clerk facility and:
   a. Give **PROPERTY CLERK INVOICE (PD521-141)** number
   b. Present written authorization from commanding officer to remove evidence if not listed as "INVOICING" officer on **INVOICE**
   c. Present shield and **IDENTIFICATION CARD (PD416-091)**
   d. Receipt for evidence as required.
2. Take **POLICE LABORATORY CONTROLLED SUBSTANCE ANALYSIS REPORT (PD521-153)** to court with controlled substances/ marijuana evidence.

WHEN COURT IS ADJOURNED FOR THE DAY:

**UNIFORMED MEMBER OF THE SERVICE**

3. Obtain receipt for evidence, if held by court, District Attorney or other authorized agency.
4. Obtain copy of court order from court clerk and receipt from claimant if court directs release of property.
5. Deliver packages of controlled substances/marijuana, which have been opened in court to Police Laboratory for repackaging and sealing.
6. Telephone appropriate Property Clerk facility in advance and prior to closing for instructions regarding return of property and/or receipt if delayed in court and unable to return property as required.
7. Inform member at Property Clerk facility of estimated time of dismissal from court or arrival at Property Clerk facility.
8. Deliver property or receipt to designated precinct desk officer if instructed to do so by member of the Property Clerk.

**DESK OFFICER**

9. Make entry in Command Log listing identity of member of the service delivering property or receipt and **INVOICE** number.

**PROPERTY CLERK DIVISION**

10. Notify member's command if member of service fails to return property or receipt for property at end of day.

**COMMANDING OFFICER/ MEMBER CONCERNED**

11. Direct member concerned to return property or receipt immediately.
12. Institute corrective action.
13. Prepare report on **Typed Letterhead** for information of commanding officer of next higher command indicating reason member did not return property/receipt and any corrective action taken.

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WHEN PROPERTY IS RETURNED TO PRECINCT STATION HOUSE:

**DESK OFFICER**

14. Check property against **INVOICE** utilizing the Property and Evidence Tracking System.
15. Perform intake utilizing the "Intake from an External Agency" function in the Property and Evidence Tracking System.
16. Ensure property is properly stored and location is entered into the Property and Evidence Tracking System.
17. Safeguard property pending pick up by representative of Property Clerk Division.

***ADDITIONAL DATA***

*OPERATIONAL CONSIDERATIONS*

*If property or receipt for property is not returned to Property Clerk Division, a FINEST Message will be transmitted to all commands including the **INVOICE** number, name, shield number and command of member of the service who failed to return property.*

***FORMS AND REPORTS***

***IDENTIFICATION CARD (PD416-091)***
***POLICE LABORATORY CONTROLLED SUBSTANCE ANALYSIS REPORT (PD521-153)***
***PROPERTY CLERK INVOICE (PD521-141)***
***Typed Letterhead***

| Section: Property - General | | Procedure No: 218-08 | |
|---|---|---|---|
| **FIELD TESTING OF MARIJUANA BY AUTHORIZED UNIFORMED MEMBERS OF THE SERVICE** | | | |
| DATE ISSUED: 08/31/18 | DATE EFFECTIVE: 09/01/18 | REVISION NUMBER: | PAGE: 1 of 4 |

**PURPOSE** To allow for field testing of marijuana by authorized uniformed members of the service.

**SCOPE** Authorized uniformed members of the service, who have been trained in marijuana field testing, will conduct marijuana field tests in the command when enforcement action is taken for a misdemeanor or violation involving marijuana.

**PROCEDURE** When enforcement action is taken for a misdemeanor or violation involving marijuana sale or possession, follow applicable arrest or summons procedures and:

**AUTHORIZED UNIFORMED MEMBER OF THE SERVICE**

1. Obtain field test kit and make appropriate entries.
2. Conduct a field test on a small sample of the alleged marijuana using the field test kit with its provided loading device.
   a. Conduct test in a semi-private location specifically designated for field testing.
   b. Wear protective gloves, if possible.
   c. Thoroughly clean table surface before and after conducting the field test.
   d. Only use the loading device that is provided with the field test to load a small sample of marijuana into the field test kit.
3. Perform the field test, sign and seal procedure in the presence of a supervisor.
4. Perform a separate field test on marijuana seized from each prisoner.
   a. If four persons are arrested and marijuana is seized from three of these persons, then <u>ALL</u> three marijuana seizures will be field tested.
5. Follow the procedures listed below when conducting the field test on a container of marijuana or a marijuana cigarette, in the presence of a supervisor:
   a. For each prisoner, open one container/cigarette of seized marijuana and using the loading device conduct a field test on a small portion of the substance contained therein.
   b. A field test will be conducted even if only one container/cigarette is seized, provided that there is a sufficient amount of marijuana remaining in the container/cigarette after the field test has been conducted to permit the remaining marijuana to be analyzed by the Police Laboratory.
   c. If more than one container/cigarette of marijuana is seized from a specific person and the first container/cigarette is field tested with negative results, then field test subsequent container(s)/cigarette(s) until a positive result is obtained <u>OR</u> five container(s)/cigarette(s) have field tested negative.
      (1) Once a positive result has been obtained, DO NOT open or field test any additional container(s)/cigarette(s) of marijuana seized from one specific person.

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

(2) Never field test more than five containers/cigarettes of marijuana seized from one specific person.

d. After a container/cigarette of marijuana is opened and has field tested positive, the container/cigarette will be resealed and the container/cigarette will be placed in a SEPARATE zip-lock bag. This will allow the Police Laboratory criminalists to identify and analyze the field tested container/cigarette when laboratory analysis is required by the District Attorney's Office.

e. Containers/cigarettes that are not field tested will NOT be placed in a zip-lock bag.

f. The field tested container/cigarette in the zip-lock bag that tested positive will be listed on the **PROPERTY CLERK INVOICE (PD521-141)** as Item #1.

g. If several container(s)/cigarette(s) are field tested:

(1) The container/cigarette which tested positive will be placed in a SEPARATE zip-lock bag. The container/ cigarette that was field tested with positive results will be identified as such by marking the outside of the zip-lock bag, "POS." This bag will be listed as "Item #1" on the **PROPERTY CLERK INVOICE**.

(2) The remaining container(s)/cigarette(s) that are field tested with negative results will ALL be placed into a SEPARATE zip-lock bag. The zip-lock bag holding container(s)/cigarette(s) of marijuana, which were field tested with negative results, will be identified as such by marking the outside of the zip-lock bag "NEG." Container(s)/cigarette(s) which field tested NEGATIVE will be listed as "Item #2" on the **PROPERTY CLERK INVOICE**.

(3) The non-field tested container(s)/cigarette(s) will not be placed into a zip-lock bag and will be listed as "Item #3" on the **PROPERTY CLERK INVOICE**.

h. The container/cigarette in the zip-lock bag marked "POS" and the container(s)/cigarette(s) in the zip-lock bag marked "NEG" and the container(s)/cigarette(s) that were not field tested, will ALL be placed into the Narcotics Evidence Envelope (Misc.1-71).

(1) Place sealed and signed Narcotics Evidence Envelope inside of a Plastic Security Envelope.

(2) Ensure that the captions on the Narcotics Evidence Envelope are visible through the rear of the Plastic Security Envelope.

(3) Seal Plastic Security Envelope by removing paper strip exposing the pre-applied adhesive and fold the top of envelope over aligning blue circles. Sign name, tax number, command and date on pre-printed line with denoted captions.

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

(4) The serial numbers of both envelopes are recorded on the **PROPERTY CLERK INVOICE** utilizing the "Packaging Function" in the Property and Evidence Tracking System.

i. When an officer conducts a field test and is uncertain whether the results are Positive or Negative then:
   (1) Consult with a supervisor and obtain clarification.
   (2) If the field testing officer is still uncertain after consulting with the supervisor, record the field test result as NEGATIVE.

j. DO NOT reseal opened container/cigarettes of marijuana with tape unless it is absolutely necessary. If tape must be used to reseal an opened container/cigarette, use as little as possible.

k. DO NOT tape separate individual marijuana container(s)/cigarette(s) together. Always try to avoid using tape when invoicing container(s)/cigarette(s) of marijuana.

6. Prepare a separate **MARIJUANA FIELD TEST REPORT** for each prisoner whose marijuana was field tested.
   a. Utilize the **FIELD TEST REPORT** appropriate to the borough of arrest.

7. Attach the triplicate copy (pink) of the completed **MARIJUANA FIELD TEST REPORT(S)** to the **PROPERTY CLERK INVOICES** and the invoiced marijuana and forward to the Police Laboratory in the normal manner.
   a. If marijuana from two or more prisoners is invoiced on one **PROPERTY CLERK INVOICE**, attach one copy of EACH related **FIELD TEST REPORT** to the one **PROPERTY CLERK INVOICE**.
   b. If marijuana from two or more prisoners is invoiced on one **PROPERTY CLERK INVOICE**, in the "Remarks" column of the **PROPERTY CLERK INVOICE**, list EACH prisoner's name and next to their name print in bold letters, "FIELD TESTED POSITIVE," **or** "FIELD TESTED NEGATIVE."

8. Deliver original (white) copy and duplicate (blue) copy of **FIELD TEST REPORT** with arrest package to the Assistant District Attorney at the Complaint Room.
   a. Include in the arrest package a completed Supporting Deposition with the caption "Buyer" and/or "Seller" as appropriate.

9. Dispose of used field test kit(s) and loading devices in the precinct plastic glove disposal receptacle.

**SUPERVISOR CONCERNED**

10. Witness field test, sign and seal.

11. Ensure that used field test kit is properly disposed of.

12. Ensure all forms prepared by authorized member of the service are complete and accurate.
   a. Ensure that the various reports that are prepared in connection with the same arrest(s) or seizure(s) accurately and consistently reflect the circumstances of the incident.

13. Follow *P.G. 210-13, "Release of Prisoners"* for a negative field test(s).

***ADDITIONAL DATA***

*OPERATIONAL CONSIDERATIONS*

*The Police Laboratory will notify the Chief of Patrol, Chief of Housing, Chief of Transit, or the Chief of Detectives, as appropriate, whenever the field test results are different from the results obtained by a Police Laboratory criminalist. This is referred to as a field test "discrepancy." The Police Laboratory will also notify the Chief of Patrol, Chief of Housing, Chief of Transit, or the Chief of Detectives, as appropriate of all procedural, clerical and/or administrative errors made with regard to conducting field tests (e.g. incomplete/incorrect preparation of* ***FIELD TEST REPORTS****, failing to conduct field tests when required, improperly packaging field tested container(s)/cigarette(s), etc.).*

*Zip-lock bags and field testing kits can be obtained from the Quartermaster Section.*

*DEPARTMENT POLICY*

*Only uniformed members of the service who have received field testing training are authorized to conduct this testing procedure. Twenty field tests are conducted in the classroom when uniformed members of the service receive their initial training and certification. Personnel will be considered expert after receiving this initial training. Uniformed members assigned to patrol will only field test marijuana and no other controlled substance.*

*If a field test qualified uniformed member of the service is not available within the command of occurrence, the desk officer will request another field test qualified officer from another command (i.e., an adjoining command, Strategic Response Group, appropriate narcotics borough, etc.) to perform the test.*"

***FORMS AND REPORTS***

***MARIJUANA FIELD TEST REPORT – MANHATTAN/QUEENS/STATEN ISLAND (PD321-143)***
***MARIJUANA FIELD TEST REPORT – BRONX (PD321-144)***
***MARIJUANA FIELD TEST REPORT – BROOKLYN (PD321-145)***
***PROPERTY CLERK INVOICE (PD521-141)***

# EVIDENCE OTHER THAN CONTROLLED SUBSTANCES/ MARIJUANA AND FIREARMS/BALLISTICS EVIDENCE REQUIRING POLICE LABORATORY ANALYSIS

**PURPOSE** To ensure that evidence, other than controlled substances/marijuana and firearms/ballistics evidence, which comes into the custody of the Department and requires laboratory analysis, is properly handled, packaged and submitted to the Police Laboratory.

**PROCEDURE** Upon taking property described above into custody that requires analysis at the Police Laboratory:

**UNIFORMED MEMBER OF THE SERVICE**

1. Follow invoicing procedures as contained in the Department Manual.
2. Invoice evidence requiring analysis by the Police Laboratory, as follows:
   a. Prepare a separate **PROPERTY CLERK INVOICE (PD521-141)** as appropriate, utilizing the Property and Evidence Tracking System, for each of the following:
      (1) Different property type
      (2) Different property categories
      (3) Different owners
      (4) Property that will be delivered and/or stored at different locations
      (5) Bloodstain, DNA, serology, or other biological evidence
      (6) Other types of evidence.
3. List each piece of evidence, requiring laboratory analysis, as a separate item on a separate line on the **PROPERTY CLERK INVOICE**.
   a. Each item will be given a separate "Item #" on the **PROPERTY CLERK INVOICE**.
   b. Each item of evidence will be specifically described by the invoicing member (e.g., blue long sleeve shirt, bloodied short sleeve undershirt, etc.)
   c. Ensure **INVOICE** does not exceed twenty line items.
4. Package evidence in accordance with Department procedures.
   a. See "*ADDITIONAL DATA*" for additional packaging instructions.
5. Write the corresponding **PROPERTY CLERK INVOICE** number, as well as the "Item #", on the outside of each package/container submitted to the laboratory.
   a. If the evidence being submitted for analysis is secured in multiple packages/containers, mark each package/container as "Bag 1 of ___", Bag 2 of ___".
6. Prepare a **REQUEST FOR LABORATORY EXAMINATION REPORT (PD521-168)**, as appropriate, utilizing the Property and Evidence Tracking System.
7. Submit evidence with **PROPERTY CLERK INVOICE** and **REQUEST FOR LABORATORY EXAMINATION REPORT**, and the handwritten copy of the **REQUEST FOR LABORATORY EXAMINATION REPORT** if prepared by the Crime Scene Unit member, to desk officer for review.

**DESK OFFICER**

8. Review **PROPERTY CLERK INVOICE** and **REQUEST FOR LABORATORY EXAMINATION REPORT** to ensure that:
   a. Different types of evidence as described, in step "2" are listed on separate **PROPERTY CLERK INVOICES.**
   b. Each item of evidence is listed as a separate "Item," on a separate line, and given a separate "Item #."
   c. Each separate item is specifically described, in detail.
   d. **INVOICE** does not exceed twenty line items, if requiring laboratory analysis.
9. Check each package/container to ensure that it is:
   a. Packaged properly.
   b. Marked with both the corresponding **PROPERTY CLERK INVOICE** number and corresponding "Item #."
10. Ensure that each package/container is properly sealed in a manner to prevent loss of evidence and to prevent contamination.
   a. Secure Plastic Security Envelope appropriately.
   b. Paper envelopes, paper bags, boxes should be securely sealed with evidence tape. (Do not use scotch tape).
11. Direct invoicing member to sign name across each seal of each package/container to maintain the chain of custody.
12. Securely attach the **PROPERTY CLERK INVOICE, REQUEST FOR LABORATORY EXAMINATION REPORT** and the handwritten copy of the **REQUEST FOR LABORATORY EXAMINATION REPORT** if prepared by the Crime Scene Unit member, to the package/container.
13. Prepare **PROPERTY TRANSFER REPORT (PD521-1412)** utilizing the Property and Evidence Tracking System.
14. Direct that the evidence be IMMEDIATELY delivered to the Police Laboratory.
   a. Evidence being submitted to the Police Laboratory for analysis degrades over time. If evidence that was not immediately delivered to the Police Laboratory is found to have degraded due to a delay in delivery, a notification will be sent through channels to the Office of the Chief of Department.

**DELIVERING MEMBER**

15. Deliver **PROPERTY CLERK INVOICE**, **REQUEST FOR LABORATORY EXAMINATION REPORT**, handwritten copy of the **REQUEST FOR LABORATORY EXAMINATION REPORT,** if prepared by Crime Scene Unit member, **PROPERTY TRANSFER REPORT** and property to the Police Laboratory.
16. Follow instructions of the Evidence Desk Intake personnel.

***ADDITIONAL DATA***

*OPERATIONAL CONSIDERATIONS*

*When evidence is collected by a member of the Crime Scene Unit, the evidence will be packaged, sealed and labeled by the Crime Scene Unit member. These packages/containers will not be opened by the member assigned to invoice the evidence. Where appropriate, the*

***ADDITIONAL DATA (continued)***

*contents of the package/container will be specifically described by the Crime Scene Unit member on the outside of the package/container. The Crime Scene Unit member will prepare a handwritten copy of a* ***REQUEST FOR LABORATORY EXAMINATION REPORT*** *that will list and describe the items in the sealed packages/containers that are to be invoiced by the invoicing officer. The handwritten* ***REQUEST FOR LABORATORY EXAMINATION REPORT*** *will also describe the specific manner in which the items are to be invoiced and listed on the* ***PROPERTY CLERK INVOICE(S)*** *and the type of forensic examination required. The handwritten copy of the* ***REQUEST FOR LABORATORY EXAMINATION REPORT*** *prepared by the Crime Scene Unit member and the packages/containers to be invoiced will be delivered to the invoicing member for preparation of the* ***PROPERTY CLERK INVOICE****. The handwritten copy of the* ***REQUEST FOR LABORATORY EXAMINATION REPORT*** *must be attached to the packages/container by the invoicing member prior to delivery of the evidence and* ***PROPERTY CLERK INVOICE*** *to the Police Laboratory.*

*The Police Laboratory will not accept* ***PROPERTY CLERK INVOICES*** *that do not contain detailed and specifically itemized descriptions of the property submitted. Vague, non-detailed descriptions are unacceptable, (e.g., "one sealed bag containing miscellaneous items.") Improperly prepared* ***INVOICES*** *will be returned to the invoicing command. The invoicing command will be required to correctly prepare the* ***INVOICE*** *and re-deliver the evidence to the Police Laboratory IMMEDIATELY.*

*All non-contraband property that is delivered to the Police Laboratory MUST have a photocopy of the* ***PROPERTY CLERK INVOICE*** *attached.*

***PROPERTY CLERK INVOICES*** *that are sent or have the potential to be sent to the Police Laboratory for laboratory analysis will not exceed twenty line items.*

*EVIDENCE HANDLING AND PACKAGING GUIDELINES*

*ALCOHOL*

*Alcohol will only be submitted to the Police Laboratory in relation to an arrest for violation of Section 1192 of the Vehicle & Traffic Law and an open container of alcohol is seized.*

*The container will be corked closed and secured around the opening with tape. The container can be placed in a plastic security envelope. The container should be stored in an upright position until delivery to the Laboratory.*

*Patrol Guide 218-32, "Processing Alcohol Seized In ABC Law Violations," should be complied with in connection with alcohol seized as a result of violations of the ABC Laws.*

*ARSON*

*Accelerants or other flammable material that comes into the custody of the Police Department, should be placed in a clean, airtight, metal or glass container, sealed with masking tape, and immediately delivered to the Police Laboratory. CAUTION: Accelerants or other flammable materials should be handled in a well ventilated area.*

***ADDITIONAL DATA (continued)***

*BLOODSTAINS/SEROLOGY//DNA/OTHER BIOLOGICAL EVIDENCE*

*Bloodstains, DNA, serology, or other biological evidence,* ***EXCEPT FIREARMS*** *(e.g., blood, semen, saliva, tissue etc.) should be delivered to the Police Laboratory for examination.*

*Firearms evidence that requires bloodstain, DNA, serology, or other biological evidence analysis should be processed in accordance with the guidelines contained in Patrol Guide 218-23,"Processing Firearms and Firearm-Related Evidence."*

*BLOODSTAIN, DNA, SEROLOGY, OR OTHER BIOLOGICAL EVIDENCE AND ANY OTHER BODY FLUID/BIOLOGICAL EVIDENCE SHOULD BE PACKAGED IN PAPER BAGS OR BOXES. Do not seal in a plastic security envelope. Additionally, an orange bio-hazard sticker must be affixed to the package.*

*Bloodstain, DNA, serology, or other biological evidence must be refrigerated, therefore, it must be delivered to the Police Laboratory IMMEDIATELY.*

*QUESTIONED DOCUMENTS*

*Any piece of paper, where the authenticity of the writing or the source of the writing must be determined, will be submitted to the Document Fraud Squad. These items include, but are not limited to, checks, bank robbery notes, and harassing letters.*

*The evidence may be secured in a PLASTIC SECURITY ENVELOPE.* ***DO NOT write on the security envelope when the evidence is inside****. Cardboard inserts should be used in the security envelope to prevent the evidence from bending or folding.*

*HAIR AND FIBER*

*Evidence that contains possible hair and/or fiber evidence should be handled carefully to prevent the loss of any evidence. If the evidence is wet or bloodstained, or has other serological or biological evidence thereon, it should not be packaged in plastic; instead it should be placed in a sealed paper bag. If the evidence is dry, and it does not have bloodstain, serological, DNA or other biological evidence thereon, it should be packaged in a plastic security envelope or any bag/container that will prevent the hair or fiber evidence from being lost.*

*LATENT FINGERPRINTS*

*Items that must be processed for latent prints should be handled carefully. Latex gloves should be worn when handling. Members of the service handling such evidence should prevent the item(s) from being crushed, bent, folded, etc.*

*Items being delivered to the Police Laboratory for fingerprint analysis should be placed in a plastic bag, not a paper bag. However, if an item must be analyzed for BOTH fingerprint and bloodstain/serological/DNA/other biological evidence, then it should NOT be placed in a plastic bag; it should be placed in a paper bag.*

*LOCKS*

*If a lock is submitted to the Police Laboratory for analysis, then the key to that lock must also be invoiced and submitted to the Laboratory. If no key is available, do not submit the lock for analysis.*

***ADDITIONAL DATA (continued)***

*Any questions regarding the proper handling, packaging, or invoicing of evidence should be referred to a supervisor at the Police Laboratory, 24 hours a day, 7 days a week.*

***RELATED PROCEDURES***

*Processing Alcohol Seized in ABC Law Violations (P.G.218-32)*
*Processing Firearms and Firearm-Related Evidence (P.G.218-23)*

***FORMS AND REPORTS***

***PROPERTY CLERK INVOICE (PD521-141)***
***REQUEST FOR LABORATORY EXAMINATION REPORT (PD521-168)***
***PROPERTY TRANSFER REPORT (PD521-1412)***

NYPD

| Section: Property - General | | Procedure No: 218-10 | |
|---|---|---|---|
| **USING SECURITY LEAD SEALS OR PLASTIC SECURITY ENVELOPES** | | | |
| DATE ISSUED: 07/01/20 | DATE EFFECTIVE: 07/01/20 | REVISION NUMBER: | PAGE: 1 of 2 |

**PURPOSE** To provide a method of identifying property which does not have serial numbers, identifying marks, is difficult to describe, or to increase the control, security and accountability of small property items coming into police custody.

**PROCEDURE** When required to invoice property without serial numbers, identifying marks, or is difficult to describe, follow normal invoicing procedures:

USING SECURITY LEAD SEALS

**UNIFORMED MEMBER OF THE SERVICE**

1. Request lead seals from desk officer.

**DESK OFFICER**

2. Check Command Log and obtain serial number of last lead seal used.
3. Give next serially numbered lead seal to member concerned and make entry in Command Log accounting for number.

**UNIFORMED MEMBER OF THE SERVICE**

4. Place lead seal on property as required:
   a. Use one lead seal for different items in same case, where possible
   b. Leave room on wire for inspection of items
   c. Attach seals in presence of desk officer and other interested persons.
5. Record serial numbers of lead seals used on **PROPERTY CLERK INVOICE** and in digital **Activity Log**.

USING PRE-NUMBERED/BARCODED SECURITY ENVELOPES

**UNIFORMED MEMBER OF THE SERVICE**

6. Request Plastic Security Envelope or Jewelry Security Envelope, as appropriate, from desk officer.
7. Perform the following under the supervision of the desk officer:
   a. Complete captions on envelope and attach security lead seals, where necessary
   b. Place items in envelope and seal in accordance with instructions on the envelope
   c. Enter or scan barcode of Plastic Security Envelope or Jewelry Security Envelope during packaging when creating **PROPERTY CLERK INVOICES** utilizing the Property and Evidence Tracking System.
8. Present sealed envelope to desk officer.

**DESK OFFICER**

9. Examine envelope to ensure that:
   a. It is properly sealed
   b. Contents match description of **PROPERTY CLERK INVOICE**.

***ADDITIONAL DATA***

*OPERATIONAL CONSIDERATIONS*

*Plastic Security Envelopes may be used for all small property items except evidence requiring serological examination, (e.g., blood, semen, and other body fluids). Controlled substances/marijuana are to be placed into a Narcotics Evidence Envelope (Misc.1-71) and sealed. The sealed envelope will then be placed into a Plastic Security Envelope and sealed for added protection. Controlled substances that contain phencyclidine (Angel Dust) will be put in a Plastic Security Envelope, and sealed, prior to being placed in the Narcotics Evidence Envelope. Jewelry items must be placed in a separate Jewelry Security Envelope. This does not apply to members of the Police Laboratory.*

*If it becomes necessary to open a sealed Plastic Security or Jewelry Security Envelope, a new envelope will be prepared in the command which the envelope is opened OR the Property Clerk's borough office, as appropriate. In all such instances, the opened envelope(s) will be placed into the new envelope(s) and entered into the Property and Evidence Tracking System, utilizing the "Update invoice" and "Packaging" functions. Plastic Security or Jewelry Security Envelopes will not be used for items which can readily puncture or tear the envelope, (e.g., screwdrivers, knives with exposed blades, etc.). Items which cannot be placed in Security Envelopes will be tagged for identification and safeguarded in other than a Plastic Security Envelope.*

*Cash and jewelry will continue to be placed in individual Security Envelopes and will not be placed in the same envelope with other small items.*

*When it becomes necessary to invoice hypodermic needles, syringes, and other sharp narcotics paraphernalia:*

*a. Utilize hypo container which comes in a plastic bag containing full instructions*

*b. Voucher hypo container on a separate **PROPERTY CLERK INVOICE** apart from other property/evidence involved in same occurrence*

*c. Place hypo container in a serialized Plastic Security Envelope*

*(1) Multiple hypo containers will be placed in same Plastic Security Envelope, if involved in the same occurrence.*

*(No other evidence [e.g., glassine envelopes, etc.] will be placed in same Plastic Security Envelope.)*

*d. Store **INVOICE** and Plastic Security Envelope containing hypo container in property locker to be forwarded to appropriate Property Clerk facility.*

*The operations coordinator will request additional lead seals and prenumbered/barcoded security envelopes from the Property Clerk Division.*

***RELATED PROCEDURE***

*Invoicing Property - General Procedure (P.G. 218-01)*

***FORMS AND REPORTS***

***PROPERTY CLERK INVOICE (PD521-141)***

# PATROL GUIDE

| Section: Property - General | | Procedure No: 218-11 | |
|---|---|---|---|
| **USE OF BIOHAZARD LABELS** | | | |
| DATE ISSUED: 08/01/13 | DATE EFFECTIVE: 08/01/13 | REVISION NUMBER: | PAGE: 1 of 1 |

**PURPOSE** To provide methods of identifying regulated waste coming into police custody.

**DEFINITION** REGULATED WASTE - means liquid or semi-liquid blood or other potentially infectious materials: contaminated items that would release blood or other potentially infectious materials in a liquid or semi-liquid state if compressed; items that are caked with dried blood or other potentially infectious materials and are capable of releasing these materials during handling; contaminated sharps; and pathological and microbiological wastes containing blood or other potentially infectious materials.

**PROCEDURE** When required to transport or store property or evidence that has the potential to be an infectious material (e.g., regulated waste).

**UNIFORMED MEMBER OF THE SERVICE**

1. Follow normal invoicing procedures.
2. Request Biohazard Label(s) from desk officer.
   a. Biohazard Labels are a fluorescent orange in color with the word "Biohazard" written on the label's face.
3. Affix label as close as feasible to the item or container by using string, wire, adhesive or other method that prevents loss or unintentional removal.
4. Use one label for each item or container in same case.

**DESK OFFICER**

5. Request additional Biohazard Labels from Quartermaster Section when needed.

***RELATED PROCEDURES***

*Invoicing Property - General Procedure (P.G. 218-01)*
*Using Security Lead Seals or Plastic Security Envelopes (P.G. 218-10)*
*Hazardous Materials (P.G. 212-37)*

| Section: Property - General | | Procedure No: 218-12 | |
|---|---|---|---|
| **SAFEGUARDING VEHICLES IN POLICE CUSTODY** | | | |
| DATE ISSUED: 11/25/14 | DATE EFFECTIVE: 11/25/14 | REVISION NUMBER: | PAGE: 1 of 1 |

**PURPOSE** To safeguard vehicles in police custody at the stationhouse.

**PROCEDURE** When necessary to store a vehicle in police custody at the command:

**COMMAND CLERK**

1. Create **PROPERTY CLERK INVOICE (PD521-141)**, utilizing the Property and Evidence Tracking System, from recovering member's **PROPERTY CLERK INVOICE WORKSHEET (PD521-141A)**.

**RECOVERING MEMBER**

2. Remove rotor or coil wire and attach to **WORKSHEET**.
   a. If unable to remove rotor or coil wire, ensure vehicle is immobilized in another way without causing damage to vehicle.
3. Prepare form **WARNING NOTICE - VEHICLE IN POLICE CUSTODY (PD571-1211)** and attach to <u>outside</u> of windshield, only after fingerprint processing is completed, if applicable.
4. Lock and park vehicle in secure location near command.

**DESK OFFICER**

5. Digitally sign **PROPERTY CLERK INVOICE**, verifying accuracy and completeness.
6. Inform relieving desk officer of location of vehicle.

***ADDITIONAL DATA***

*<u>OPERATIONAL CONSIDERATIONS</u>*

*A vehicle may be safeguarded at the command for forty-eight hours when not required as evidence or not the subject of forfeiture proceedings. A vehicle not released to the owner or his/her representative within forty-eight hours will be removed to the appropriate Property Clerk storage facility.*

***RELATED PROCEDURES*** *Rotation Tow (P.G. 218-21)*

***FORMS AND REPORTS*** ***PROPERTY CLERK INVOICE (PD521-141)***
***WARNING NOTICE - VEHICLE IN POLICE CUSTODY (PD571-1211)***

| Section: Property - General | | Procedure No: 218-13 | |
|---|---|---|---|
| **INVENTORY SEARCHES OF AUTOMOBILES AND OTHER PROPERTY** | | | |
| DATE ISSUED: 07/01/20 | DATE EFFECTIVE: 07/01/20 | REVISION NUMBER: | PAGE: 1 of 2 |

**PURPOSE** To protect property, ensure against unwarranted claims of theft, and protect uniformed members of the service and others against dangerous instrumentalities.

**PROCEDURE** Whenever any property comes into the custody of this Department an inventory search will be conducted as follows:

IF THE CONTENTS TO BE INVENTORIED ARE IN AN AUTOMOBILE

**UNIFORMED MEMBER OF THE SERVICE**

1. Search the interior of the vehicle thoroughly.
   a. This search should include any area that may contain valuables including, but not limited to:
      (1) Glove compartment
      (2) Console
      (3) Map pockets in or on doors and rear or side of seats
      (4) Areas under the seats and in and around the seat stuffing and springs
      (5) Under the floor mats
      (6) Under and behind the dashboard
      (7) Inside the ashtrays
      (8) In the air vents where accessible
      (9) Under the hood
      (10) Trunk.
2. Force open trunk, glove compartment, etc. only if it can be done with minimal damage, unless:
   a. Reasonably suspect that the item contains weapons, explosives, hazardous materials or contraband
   b. The contents are in plain view
   c. The contents can be inferred from the outward appearance of the container (e.g., gun cases, toolboxes [which may contain burglar's tools] etc.)
   d. Consent of the owner to break open the locked item.
      (1) Ask for consent in a manner that elicits a clear "yes" or "no" response.
      (2) Follow up by explicitly saying, *I can only conduct this inventory, if you consent.*
      (3) Inform owner that significant damage may occur.
      (4) Specifically ask the person, *Do you understand?*
      (5) If inventory is conducted, offer the person a **RIGHT TO KNOW BUSINESS CARD (PD142-012)** or **RIGHT TO KNOW BUSINESS CARD – GENERAL (PD142-013)**, as appropriate.
      (6) If owner does not consent to inventory, you cannot inventory unless a search warrant is obtained.

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

3. Remove all valuables from the vehicle and invoice on a separate **PROPERTY CLERK INVOICE (PD521-141)**.

***ADDITIONAL DATA***

*OPERATIONAL CONSIDERATIONS*

*Any closed container may be opened and its contents inventoried. If any of the above items listed in step "1" are locked, the uniformed member of the service concerned should make every attempt to obtain the keys from the driver, owner, or passenger.*

*Property of little value that is left inside the vehicle (e.g., old clothes, cassette tapes, and vehicle parts, etc.) should within reason, be listed in the uniformed member's digital* ***Activity Log*** *and cross referenced to the invoice number covering any valuables removed.*

*Property that is not inventoried from an automobile but is possessed or under the control of an arrested individual, may be inventoried and all items found therein may be invoiced as prisoner's property. If a locked container such as a brief case or safe is inventoried, it should not be forced open if to do so would cause more than minimal damage, unless the circumstances described in step "2", subdivisions "a", "b", "c", or "d" are present.*

***FORMS AND REPORTS***

***RIGHT TO KNOW BUSINESS CARD (PD142-012)***
***RIGHT TO KNOW BUSINESS CARD – GENERAL (PD142-013)***
***PROPERTY CLERK INVOICE (PD521-141)***

NYPD

**PURPOSE** To process and dispose of vehicles stolen and recovered within New York City.

**PROCEDURE** Upon recovery of stolen vehicle wanted on New York City alarm:

**RECOVERING MEMBER OF THE SERVICE**

1. Obtain all relevant information from NYSPIN System.
2. Enter information in digital **Activity Log**.
3. Prepare **PROPERTY CLERK INVOICE WORKSHEET (PD521-141A)**.
4. Request patrol supervisor to respond to scene.

**PATROL SUPERVISOR**

5. Verify accuracy and completeness of **WORKSHEET**.

**COMMAND CLERK**

6. Enter **WORKSHEET** into the Property and Evidence Tracking System to generate a **PROPERTY CLERK INVOICE (PD521-141)**.

**RECOVERING MEMBER OF THE SERVICE**

7. Digitally sign **INVOICE** verifying accuracy and completeness.

**PATROL SUPERVISOR**

8. Digitally sign **INVOICE** verifying accuracy and completeness.

**RECOVERING MEMBER OF THE SERVICE**

9. Notify registered owner of vehicle as soon as possible after the vehicle is recovered.
   a. If telephone number of registered owner is available make at least one attempt at a telephone notification.
   b. Enter in the Telephone Record:
      (1) The date and time of such an attempt
      (2) The invoice number from the **PROPERTY CLERK INVOICE** that the recovered vehicle is listed on
      (3) Name of person contacted if notification attempt is successful.
   c. If final insurance settlement was received:
      (1) Enter name of insurance company on **INVOICE**, in box captioned, "Lien Holder or True Owner"
      (2) Notify insurance company if claim settled.
   d. Advise insurance carrier or registered owner (if claim not settled):
      (1) Recovered vehicle may be reclaimed at the tow operator's storage facility or the Property Clerk's Auto Pound upon proof of ownership and payment of authorized fees
      (2) Address and telephone number of storage facility or Pound.

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

10. Prepare **ROTATION TOW-OWNER NOTIFICATION (PD571-1210)** when the register owner or insurance carrier did not recover the vehicle regardless if a telephone notification has already been made.
11. Notify Precinct Detective Unit/Detective Squad concerned if arrest involved or vehicle was used in commission of a crime.
12. Prepare **Omniform Complaint Revision** and enter the following in "Details" section:
    a. Parts and accessories removed from vehicle
    b. Condition of vehicle and ignition at time of recovery
    c. If vehicle keys were recovered
    d. If vehicle was damaged by fire
    e. Name of detective squad member notified, if vehicle used in commission of crime or further investigation is necessary
    f. Other information pertinent to the vehicle theft.
13. Have alarm cancelled via FINEST System once owner takes possession of vehicle or after vehicle has been removed to Property Clerk facility or Rotation Tow storage facility.
14. Attach copy of NYSPIN acknowledgement of cancelled alarm to:
    a. **PROPERTY CLERK INVOICE**
    b. **Omniform Complaint Revision**.

**DETECTIVE SQUAD MEMBER**

15. Prepare additional **COMPLAINT FOLLOW-UP INFORMATIONALS (pink) (PD313-081A)**, indicating further developments.

**DESK OFFICER**

16. Review **Omniform Complaint Revision**.
    a. Sign name.
17. Verify that alarm is cancelled and owner notified.
    a. If cancellation does not appear in NYSPIN System or transmitted cancellation contains a discrepancy, have cancellation corrected utilizing FINEST System.
18. Release vehicle to owner AFTER cancellation of alarm.
    a. Have vehicle removed to Property Clerk's facility when owner unable to remove vehicle or cannot be immediately contacted.
19. Forward finalized copy of **Omniform Complaint Revision** to commanding officer concerned, if recovering member is assigned to a specialized unit.

**COMMANDING OFFICER, SPECIALIZED UNIT**

20. Review **Omniform Complaint Revision** to ensure alarm has been cancelled and owner notified.

**DESK OFFICER**

21. Verify owners have been notified while conducting physical inventory of vehicles.

**DESK OFFICER (continued)**

22. Ensure that owner of vehicle is notified, if such notification was not previously made.
23. Determine if patterns of theft and/or dumping exist:
    a. Initiate appropriate action if such trends are apparent.

***RELATED PROCEDURES***

*Vehicle Stolen Outside New York City and Recovered Within New York City (P.G. 218-15)*
*Vehicle Stolen Within New York City and Recovered Outside New York City or by the Port Authority Police (P.G. 218-16)*
*Rotation Tow (P.G. 218-21)*
*Invoicing Vehicles/Property as Arrest/Investigatory Evidence or for Forfeiture Proceedings or to Determine True Owner (P.G. 218-19)*

***FORMS AND REPORTS***

***COMPLAINT FOLLOW-UP INFORMATIONAL (pink) (PD313-081A)***
***PROPERTY CLERK INVOICE (PD521-141)***
***PROPERTY CLERK INVOICE WORKSHEET (PD521-141A)***
***ROTATION TOW-OWNER NOTIFICATION (PD571-1210)***
***Omniform Complaint Revision***

NYPD

# PATROL GUIDE

| Section: Property - General | | Procedure No: 218-15 | |
|---|---|---|---|
| **VEHICLE STOLEN OUTSIDE NEW YORK CITY AND RECOVERED WITHIN NEW YORK CITY** | | | |
| DATE ISSUED: 12/31/15 | DATE EFFECTIVE: 12/31/15 | REVISION NUMBER: | PAGE: 1 of 1 |

**PURPOSE** To record and notify agencies concerned of the recovery of a vehicle in New York City reported stolen outside New York City.

**PROCEDURE** Upon recovery within New York City of any vehicle stolen outside the City:

**RECOVERING MEMBER OF THE SERVICE**

1. Prepare **PROPERTY CLERK INVOICE (PD521-141)**.
2. Notify Inter-City Correspondence Unit for notification to originating police agency to cancel alarm and inform owner of recovery.
   a. Advise of arrest in connection with recovery, if applicable.
   b. Make entry in "Remarks" section of the **INVOICE** in the Property and Evidence Tracking System.
3. Notify detective squad concerned, if arrest involved or vehicle was used in commission of a crime.

**DESK OFFICER**

4. Release vehicle to owner or ensure that vehicle is delivered to Property Clerk storage facility.
5. Ensure photocopy of **PROPERTY CLERK INVOICE** is forwarded to Patrol Borough Pattern Identification Module by next business day.
6. Determine if patterns of theft and/or dumping exits.
   a. Initiate appropriate action if such trends are apparent.

**EVIDENCE/ PROPERTY CONTROL SPECIALIST**

7. Photocopy and forward **PROPERTY CLERK INVOICE** prepared for recovered stolen vehicles to Patrol Borough Pattern Identification Module by next business day.

***ADDITIONAL DATA***

*OPERATIONAL CONSIDERATIONS*

*An **Omniform Complaint Revision** will not be generated for the recovery of a vehicle stolen outside of New York City.*

***RELATED PROCEDURES***

*Vehicle Stolen and Recovered Within New York City (P.G. 218-14)*
*Vehicle Stolen Within New York City and Recovered Outside New York City or by the Port Authority Police (P.G. 218-16)*
*Rotation Tow (P.G. 218-21)*
*Invoicing Vehicles/Property as Arrest/Investigatory Evidence or for Forfeiture Proceedings or to Determine True Owner (P.G. 218-19)*

***FORMS AND REPORTS***

***PROPERTY CLERK INVOICE (PD521-141)***
***Omniform Complaint Revision***

| Section: Property - General | | Procedure No: 218-16 | |
|---|---|---|---|
| **VEHICLE STOLEN WITHIN NEW YORK CITY AND RECOVERED OUTSIDE NEW YORK CITY OR BY PORT AUTHORITY POLICE** | | | |
| DATE ISSUED: 12/31/15 | DATE EFFECTIVE: 12/31/15 | REVISION NUMBER: | PAGE: 1 of 2 |

**PURPOSE** To notify the registered owner and provide for cancellation of an alarm on a vehicle recorded as stolen within New York City and recovered outside the City or by the Port Authority Police on Port Authority property.

**PROCEDURE** When notified that a vehicle stolen within New York City has been recovered outside the City or on a Port Authority facility:

**STOLEN PROPERTY INQUIRY SECTION**

1. Transmit message through FINEST System to the precinct of record where alarm originated upon notification from outside agency that a vehicle stolen within New York City was recovered.

**DESK OFFICER, PRECINCT OF RECORD**

2. Ensure that alarm for vehicle is cancelled.
3. Ensure a copy of NYSPIN acknowledgement is attached to **Omniform Complaint Revision**, when prepared.
4. Notify registered owner of vehicle's recovery and location as soon as possible.
   a. If telephone number of registered owner is available make at least one attempt at a telephone notification.
   b. Enter in the Telephone Record:
      (1) The date and time of such an attempt
      (2) Name of person contacted if notification attempt is successful.
5. Comply with step "4" if vehicle is stolen within New York City and is recovered by the Port Authority, and in addition:
   a. Enter the invoice number from the **PROPERTY CLERK INVOICE (PD521-141)** that the recovered vehicle is listed on in the Telephone Record
   b. If final insurance settlement was received:
      (1) Enter name of insurance company on **INVOICE**, in box captioned, "Lien Holder or True Owner."
      (2) Notify insurance company if claim settled.
   c. Advise insurance carrier or registered owner (if claim not settled):
      (1) Of the address and telephone number of the Port Authority storage facility or Pound.
6. Notify the Stolen Property Inquiry Section that the FINEST Message has been received concerning recovery of vehicle.
   a. Provide identity of member making notification to registered owner.

**STOLEN PROPERTY INQUIRY SECTION**

7. Make record of acknowledgement of FINEST Message by precinct of record and identity of member of the service making notification to owner.

| | | |
|---|---|---|
| **COMMAND CLERK, PRECINCT OF RECORD** | 8. | Prepare **Omniform Complaint Revision** and under "Details" enter:<br>a. Name of detective notified, if arrest was made, or if vehicle was used in the commission of a crime, AND<br>b. Identity of member of the service who notified registered owner. |
| **DESK OFFICER, PRECINCT OF RECORD** | 9. | Review **Omniform Complaint Revision** to ensure that alarm had been cancelled and owner has been notified. |
| | 10. | Sign off on the electronically generated **Omniform Complaint Revision** as per Department guidelines. |
| **STOLEN PROPERTY INQUIRY SECTION** | 11. | Forward an acknowledgement of cancellation of alarm to the recovering agency and to the precinct of record. |

| | |
|---|---|
| ***FORMS AND REPORTS*** | ***PROPERTY CLERK INVOICE (PD521-141)***<br>***Omniform Complaint Revision*** |

NYPD

| Section: Property - General | | Procedure No: 218-18 | |
|---|---|---|---|
| **PHOTOGRAPHING STOLEN EVIDENCE VEHICLES WHEN AN ARREST IS MADE** | | | |
| DATE ISSUED: 07/01/20 | DATE EFFECTIVE: 07/01/20 | REVISION NUMBER: | PAGE: 1 of 2 |

**PURPOSE** To expeditiously release stolen recovered vehicles where an arrest is made and the vehicle was not used in conjunction with any other crime.

**SCOPE** Whenever an arrest is made for Grand Larceny Auto, Criminal Possession of Stolen Vehicle or Unauthorized Use of a Motor Vehicle and the stolen vehicle was not used in conjunction with any crime or criminal transaction, other than the theft or unauthorized use of the motor vehicle, the arresting officer will take a set of evidence photographs of the motor vehicle for the District Attorney/ Corporation Counsel and every defendant arrested. THE VEHICLE MAY THEN BE RELEASED TO THE OWNER/REPRESENTATIVE AT THE STATIONHOUSE WITHOUT A RELEASE FROM THE DISTRICT ATTORNEY/CORPORATION COUNSEL. All photographs will be delivered to the District Attorney/Corporation Counsel and maintained by that office.

**PROCEDURE** Where an arrest is made for a recovered stolen vehicle and the vehicle qualifies:

**ARRESTING OFFICER**

1. Comply with *Patrol Guide 208-03, "Arrest - General."*
2. Prepare **PROPERTY CLERK INVOICE WORKSHEET (PD521-141A)**.
3. Take one set of evidence digital photographs.
   a. The set of evidence digital photographs must include:
      (1) Vehicle identification number (VIN)
      (2) Registration sticker on windshield
      (3) License plates
      (4) Each side of vehicle, including vent windows, door locks and handles
      (5) Front and back of vehicle
      (6) Interior of vehicle, including ignition lock, seat to floor clearance, center console, radio receptacle and dashboard area
      (7) Motor
      (8) Any other interior or exterior surfaces showing any and all damage to the vehicle.
4. Upload all photographs to **PROPERTY CLERK INVOICE (PD521-141)** while completing the "Vehicle Inspection" in the Property and Evidence Tracking System.
5. Print and deliver the **PHOTO RELEASE DOCUMENT (PD582-171)**, along with required paperwork, to District Attorney/Corporation Counsel.
   a. Include a notation of delivery of photographs on **ARREST CHECKLIST (PD244-041)**.
   b. Have District Attorney receipt for delivery of **PHOTO RELEASE DOCUMENT** by signing digital **Activity Log**.
   c. In juvenile arrests, **PHOTO RELEASE DOCUMENT** will be included with the arrest paper work forwarded to the Corporation Counsel.

**ARRESTING OFFICER (continued)**

6. Notify owner/representative that vehicle can be released at the stationhouse.
   a. A release from the District Attorney/Corporation Counsel is no longer required in these cases.
7. Cancel alarm and release vehicle, when owner/representative arrives at stationhouse.

PRIOR TO RELEASE OF VEHICLE

**DESK OFFICER**

8. Review all necessary paperwork for accuracy and completeness.
9. Ascertain that alarm has been cancelled.
10. Ensure that all required photographs have been taken and that notation has been made on **ARREST CHECKLIST** that **PHOTO RELEASE DOCUMENT** is part of the arrest package being delivered to the District Attorney or is included in the arrest package forwarded to the Corporation Counsel.

***ADDITIONAL DATA***

*OPERATIONAL CONSIDERATIONS*

*The member of the service taking the photographs of the vehicle will take the minimum number of photographs necessary to show all items listed in step "3". In those cases where an arrest involves an adult and a juvenile, a set of photographs must be taken for the District Attorney and the Corporation Counsel.*

*Vehicles unable to be driven to the command will be placed in the Rotation Tow Program. Photographs must be taken either at the scene or the arresting officer will direct the tow driver to remove the vehicle to the command for photographs prior to its removal to the tow facility. Operable vehicles will remain at the command for forty-eight hours pending the arrival of the owner/representative. If the vehicle remains unclaimed, it will then be placed in the Rotation Tow Program and kept at the tow facility for thirty days prior to its removal to the pound.*

*In the event any questions arise regarding the release of the stolen vehicle, direct that photographs be taken and do not release the stolen vehicle until determination is made by the Legal Bureau.*

***RELATED PROCEDURES***

*Personal Recognizance-Juvenile Delinquent (P.G. 215-12)*
*Rotation Tow (P.G. 218-21)*

***FORMS AND REPORTS***

***ARREST CHECKLIST (PD244-041)***
***COMPLAIT REPORT (PD313-152)***
***PROPERTY CLERK INVOICE WORKSHEET (PD 521-141A)***
***PROPERTY CLERK INVOICE (PD521-141)***
***PHOTO RELEASE DOCUMENT (PD582-171)***

| Section: Property - General | | Procedure No: 218-19 | |
|---|---|---|---|
| **INVOICING VEHICLES/PROPERTY AS ARREST/INVESTIGATORY EVIDENCE OR FOR FORFEITURE PROCEEDINGS OR TO DETERMINE TRUE OWNER** | | | |
| DATE ISSUED: 01/01/20 | DATE EFFECTIVE: 01/01/20 | REVISION NUMBER: | PAGE: 1 of 4 |

**PURPOSE** To invoice and properly classify vehicles/property coming into police custody as arrest evidence, investigatory evidence, for forfeiture proceedings or to determine true owner.

**PROCEDURE** When property/vehicles are taken into police custody:

**UNIFORMED MEMBER OF THE SERVICE**

1. Prepare **PROPERTY CLERK INVOICE (PD521-141)** as appropriate, utilizing the Property and Evidence Tracking System.
2. Select the correct property category on the **PROPERTY CLERK INVOICE**:
   a. ARREST EVIDENCE
   b. INVESTIGATORY EVIDENCE
   c. DNA ARREST EVIDENCE
   d. DNA INVESTIGATORY EVIDENCE
   e. FORFEITURE
   f. DECEDENT'S PROPERTY
   g. FOUND PROPERTY
   h. SAFEKEEPING
   i. PEDDLER PROPERTY
   j. OTHER
3. Select the correct property category on the **PROPERTY CLERK INVOICE** if vehicle/boat:
   a. ROTATION TOW
   b. ARREST EVIDENCE
   c. INVESTIGATION
   d. FORFEITURE
   e. PHOTO RELEASE
   f. SAFEKEEPING
   g. DETERMINE TRUE OWNER
4. Have alarm cancelled via FINEST System, where necessary.
   a. Attach copy of NYSPIN acknowledgement to **PROPERTY CLERK INVOICE** and/or **Omniform Complaint Revision**, as appropriate.
5. Prepare a **REQUEST FOR LABORATORY EXAMINATION REPORT (PD521-172)**, utilizing the Property and Evidence Tracking System, if required.
6. Include **PROPERTY CLERK INVOICE**, if prepared in arrest cases, to arrest package.

VEHICLES/PROPERTY HELD AS INVESTIGATORY EVIDENCE

**DESK OFFICER /DETECTIVE BUREAU SUPERVISOR**

7. Direct that property be seized and invoiced as investigatory evidence when a criminal investigation is required and no arrest has been made.
8. Direct that vehicles may also be seized and invoiced as investigatory evidence when:

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

a. Crime Scene Unit examination of vehicle is requested
b. Collision Investigation Squad must conduct an investigation at scene of a vehicle collision
c. Investigation of vehicle by any unit other than the Property Clerk is required.

9. Ensure investigations as outlined above are conducted and concluded at command concerned.
   a. Ensure vehicle is removed to appropriate Property Clerk Auto Pound if further investigation is required.

VEHICLES SEIZED AS ARREST EVIDENCE

**DESK OFFICER /DETECTIVE BUREAU SUPERVISOR**

10. Direct that vehicles must be seized and invoiced as arrest evidence when arrests are made for:
    a. Larceny of vehicle
       (1) Charge will be Grand Larceny Auto unless owner/complainant or other evidence indicates auto (as defined in Section 125 VTL) is valued at $100 or less, or if motorcycle (as defined in Section 123 VTL) is valued at $1,000 or less.
    b. Unauthorized use of a vehicle
    c. Criminal possession of stolen property (vehicle involved)
    d. Possession of vehicle with an altered V.I.N.
    e. Leaving scene of collision - serious injury and likely or critical injury
    f. Assault or homicide - vehicle used as weapon
    g. Illegal Registration - Motorist arrested for Operating an Unregistered Vehicle, Vehicle and Traffic Law Section 401 (1)(a).

**ARRESTING OFFICER**

11. Notify desk officer immediately when arrest number is obtained and include arrest number on the **PROPERTY CLERK INVOICE**.

VEHICLES SEIZED FOR FORFEITURE

**DESK OFFICER /DETECTIVE BUREAU SUPERVISOR**

12. Direct that vehicles may be seized and invoiced to determine if forfeiture proceedings will be commenced when vehicle is used to transport:
    a. Controlled Substances - Felony, Article 220, Penal Law
    b. Gambling Records - Sections 225.20 and 415, Penal Law
    c. Untaxed Cigarettes - Felony, Section 481, subdivision 2, State Tax Law and Section 11-1317, Administrative Code
    d. Equipment used in promoting pornography - Article 410, Penal Law
    e. Equipment used in unauthorized recording of sound – Section 420.05, Penal Law
    f. Illegally possessed firearms/rifles/shotguns - Section 265, Penal Law.

***NOTE*** *In all cases, whether a vehicle is seized as arrest evidence or for forfeiture, a **VEHICLE SEIZURE FORM (PD571-1218)** must be completed and served on the arrestee at the command of arrest processing.*

OCCUPIED VEHICLES HELD TO DETERMINE TRUE OWNER

**DESK OFFICER /DETECTIVE BUREAU SUPERVISOR**

13. Direct an occupied vehicle be taken into custody if true owner cannot be determined and immediate arrest is not warranted.
14. Have **PROPERTY CLERK INVOICE** prepared and ensure property category "Determine True Owner" is selected.
    a. A **COMPLAINT REPORT (PD313-152)** is not necessary when invoicing a vehicle to "Determine True Owner." The investigation will be conducted by Property Clerk personnel.
15. Have vehicle delivered to appropriate Property Clerk Auto Pound for processing by Property Clerk personnel.

***ADDITIONAL DATA***

*OPERATIONAL CONSIDERATIONS*

*When a member of the service conducts a computer check of an occupied vehicle and the response reads ILLEGAL REGISTRATION, the New York State Department of Motor Vehicles has determined that the vehicle was improperly registered to someone who was the victim of a fraud and the victim never owned the vehicle nor gave anyone permission to register the vehicle in the victim's name. Accordingly, when a uniformed member of the service encounters a motorist during a vehicle stop whose registration comes up on the computer as ILLEGAL REGISTRATION, then this motorist will be arrested and charged with Vehicle and Traffic Law Section 401(1)(a), Operating an Unregistered Vehicle. An immediate investigation should simultaneously be undertaken to determine if probable cause exists that the motorist or any other person has committed the crimes of Criminal Impersonation 2nd degree P.L. 190.25(1), Forgery 2nd degree, P.L. 170.10(2), Offering a False Instrument for Filing 2nd degree P.L. 175.30, or any robbery or larceny charge, if appropriate. If Penal Law arrests are to be made, the vehicle will be taken into custody as arrest evidence; if only a Vehicle and Traffic Law arrest is to be made, the vehicle will be taken into custody to determine its true owner.*

*Whenever an arrest is effected involving a vehicle for a charge OTHER THAN those enumerated in step "10" above, the arresting officer will consult with his supervisor to determine whether the vehicle should be seized. The supervisor will communicate with an Assistant District Attorney and request an opinion to determine if the vehicle should be seized as arrest evidence. If an Assistant District Attorney is not available, the vehicle will be invoiced and secured at the stationhouse. However, no category of property will be checked, pending a determination by the Assistant District Attorney. If the Assistant District Attorney advises that the vehicle is not required as evidence, it will be released to the registered owner or his representative. If the owner cannot be located, the vehicle will be sent to the Property Clerk Auto Pound for safekeeping. If it is determined that the vehicle is to be held as evidence, the name and telephone number of the Assistant District Attorney who made the recommendation MUST be entered in the appropriate captions listed immediately above the "Remarks" section on the **PROPERTY CLERK INVOICE**.*

*If a vehicle is to be safeguarded at the Property Clerk Auto Pound, the following documents will be forwarded with the vehicle:*

*a.* ***PROPERTY CLERK INVOICE***
*b.* *FINEST Printout - NYSPIN acknowledgement*
*c.* *VIN Printout (including registered owner's zip code)*

***ADDITIONAL DATA (continued)***

*d. Copy of **COMPLAINT REPORT**, if prepared, or notation on invoice of previously prepared **COMPLAINT REPORT** number and precinct of record, when vehicle is categorized as Investigatory Evidence, DNA Investigatory Evidence, Arrest Evidence, DNA Arrest Evidence or Forfeiture.*

*INVOICING COIN/BILL OPERATED MACHINES OR DEVICES*

*Whenever coin/bill operated machines, including slot machines, are invoiced as evidence in arrest or investigation cases, the invoicing officer will remove all currency under the supervision of a ranking officer. Separate invoices will be prepared for currency and machines. Each will be cross-referenced. Under the caption "Remarks" on the **INVOICE**, enter a statement indicating the machine was opened and the amount of currency removed. Every effort will be made to locate a key or other device used to open the machines prior to their delivery to the Property Clerk. When force must be used to gain access to cash boxes, Emergency Service Unit may be requested. Emergency Service Unit personnel will break locks to obtain currency contained within the machines while taking care to avoid destroying their mechanisms.*

***FORMS AND REPORTS***

***PROPERTY CLERK INVOICE (PD521-141)***
***REQUEST FOR LABORATORY EXAMINATION REPORT (PD521-168)***
***COMPLAINT REPORT (PD313-152)***
***ON LINE BOOKING SYSTEM ARREST WORKSHEET (PD244-159)***
***VEHICLE SEIZURE FORM (PD571-1218)***
***Omniform Complaint Revision***

NYPD

**PURPOSE** To remove a vehicle in police custody to a Property Clerk storage facility.

**PROCEDURE** When necessary to remove a vehicle to a Property Clerk storage facility:

**DESK OFFICER**

1. Ensure **PROPERTY TRANSFER REPORT (PD521-1412)** is prepared utilizing the Property and Evidence Tracking System.

VEHICLE ABLE TO BE DRIVEN:

**DESK OFFICER**

2. Assign uniformed member of the service to deliver vehicle and "Property Clerk" copy of **PROPERTY CLERK INVOICE (PD521-141)** to Property Clerk's storage facility.

**ASSIGNED MEMBER**

3. Check entries on **PROPERTY CLERK INVOICE** against current condition and equipment of vehicle.
4. Conduct a vehicle inspection, utilizing the "Vehicle Inspection" function in the Property and Evidence Tracking System, to record all discrepancies.
5. Report discrepancies to desk officer.
6. Prepare **COMPLAINT REPORT WORKSHEET (PD313-152A)** for missing equipment not originally noted on **PROPERTY CLERK INVOICE** and deliver to desk officer.
7. Digitally sign **PROPERTY TRANSFER REPORT**.

**DESK OFFICER**

8. Digitally sign **PROPERTY TRANSFER REPORT**.

**ASSIGNED MEMBER**

9. Deliver vehicle to storage facility.

VEHICLE UNABLE TO BE DRIVEN:

**DESK OFFICER**

10. Notify Fleet Services Division, Department Tow.

**DEPARTMENT TOW TRUCK OPERATOR**

11. Pick up vehicle and proceed to command to obtain related **PROPERTY CLERK INVOICE**.

**DESK OFFICER**

12. Assign member of service to check entries on **PROPERTY CLERK INVOICE** against condition and equipment of vehicle and prepare **PROPERTY TRANSFER REPORT**.

**ASSIGNED MEMBER**

13. Conduct a vehicle inspection utilizing the "Vehicle Inspection" function in the Property and Evidence Tracking System to record all discrepancies.
14. Report discrepancies to desk officer.
15. Prepare **COMPLAINT REPORT WORKSHEET** for missing equipment not originally on **PROPERTY CLERK INVOICE** and deliver to desk officer.
16. Enter identity of tow truck operator on **PROPERTY TRANSFER REPORT**.

**DEPARTMENT TOW TRUCK OPERATOR**

17. Digitally sign **PROPERTY TRANSFER REPORT**.

**DESK OFFICER**

18. Digitally sign **PROPERTY TRANSFER REPORT**.

**DEPARTMENT TOW TRUCK OPERATOR**

19. Deliver vehicle and corresponding **PROPERTY CLERK INVOICE** set to Property Clerk storage facility.

***FORMS AND REPORTS***

***COMPLAINT REPORT WORKSHEET (PD313-152A)***
***PROPERTY CLERK INVOICE (PD521-141)***
***PROPERTY TRANSFER REPORT (PD521-1412)***

**PURPOSE** To process non-evidence stolen or apparently abandoned vehicles, including motorcycles, recovered within New York City.

**DEFINITIONS** APPARENTLY ABANDONED VEHICLE - An unoccupied vehicle abandoned as defined in Section 1224, Vehicle and Traffic Law OR an unoccupied vehicle observed under circumstances indicating it may have been stolen, but for which no alarm has been transmitted.

DOUBLE TOW - Situation requiring use of additional tow truck to assist in an UNUSUAL recovery (e.g., vehicle on an embankment, overturned, wedged in a building, etc.). The uniformed member must select either "yes" or "no" under caption, "Double Towing Involved" when generating a **PROPERTY CLERK INVOICE (PD521-141)** utilizing the Property and Evidence Tracking System. When "Double Tow" is authorized, the uniformed member must enter his/her tax number in the appropriate field. A "Double Tow" is NOT AUTHORIZED solely because a recovered vehicle has no wheels. (Tow operators are required to possess equipment for towing vehicles with damaged/missing wheels.)

**PROCEDURE** When a uniformed member of the service recovers an unoccupied stolen or apparently abandoned vehicle.

**UNIFORMED MEMBER OF THE SERVICE**

1. Determine if vehicle qualifies for Rotation Tow.
   a. A vehicle IS NOT qualified for removal under Rotation Tow if:
      (1) An arrest is made in conjunction with the recovery EXCEPT where an arrest is made and the vehicle qualifies for release after photographs are taken
      (2) Required as evidence OR being held for investigation
      (3) Used in commission of a crime
      (4) Vehicle may be the subject of forfeiture proceedings
      (5) Derelict guidelines are listed on inside back cover of **ROTATION TOWING LOG (PD571-1412)**
      (6) Vehicle is a large truck or limited-use motorcycle (moped)
      (7) Owner is on scene and recovers own vehicle prior to discovery by this Department
      (8) Vehicle must be safeguarded due to the inability of the owner/driver to remove to a safe place (e.g., prisoner, aided, collision, etc.)
2. Ascertain V.I.N. of vehicle.
   a. If missing or illegible, attempt to locate alternate V.I.N.
      (1) Request assistance of another member of command trained in vehicle identification or services of Auto Crime Division, if necessary.
3. Obtain relevant information from New York State Police Information System Network (NYSPIN) via FINEST System.

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

4. Prepare **ROTATION TOW IDENTIFICATION STICKER (PD571-090)**.
   a. Affix **STICKER** to glass (window or windshield) facing street side.
5. Enter vehicle information in digital **Activity Log**.
6. Provide desk officer with all relevant information on recovered vehicle for notification to participating tow operator.
7. Prepare the following documents:
   a. **PROPERTY CLERK INVOICE**
      (1) Select "Rotation Tow" as the Property Category
      (2) Select either "yes" or "no" under captioned "Double Towing Involved", and if "Double Tow" is authorized, enter tax number of authorizing officer in appropriate field. (Tax number must be entered if "Double Tow" is authorized)
      (3) Enter under REMARKS "Deliver to Property Clerk Auto Pound WITHIN 48 HOURS for confidential V.I.N. check," if V.I.N. is not obtained or ownership cannot be determined from a legible V.I.N. (A vehicle in this category WILL NOT BE RETURNED TO OWNER by the tow operator; it MUST BE DELIVERED to the Property Clerk Auto Pound.)
   b. **Omniform Complaint Revision**, ONLY if previously reported stolen WITHIN NEW YORK CITY
   c. **COMPLAINT REPORT (PD313-152)**, if investigation reveals that vehicle has been stolen WITHIN NEW YORK CITY, BUT THE THEFT HAS NOT BEEN REPORTED.
8. Obtain a FINEST printout for vehicles with legible V.I.N. numbers and attach it to the "Property Clerk Copy" of **PROPERTY CLERK INVOICE** indicating:
   a. Check of registration plate and V.I.N.
   b. Listing of registered owner and insurance code
   c. NYSPIN and NCIC checks.

**DESK OFFICER**

9. Notify next participating tow operator in rotation sequence IMMEDIATELY after receiving all pertinent information from member who recovered vehicle.
   a. If vehicle is recovered on a limited access highway, ONLY THE TOW OPERATOR HAVING EXCLUSIVE FRANCHISE FOR SERVICE ON SUCH HIGHWAY MAY TOW THE VEHICLE. (A franchise tow operator who is also an authorized rotation tow operator will not be charged a turn in the rotation sequence for a limited access highway removal.)
10. Determine if tow operator is available for assignment PRIOR TO furnishing information concerning the recovered vehicle.
    a. Tow operators DO NOT have the option of deciding whether they are available AFTER being informed of the type and condition of the vehicle to be towed.
11. Prepare **REPORT OF VIOLATION (PD672-151)** and forward to Department of Consumer Affairs whenever a tow operator refuses assignment AFTER BEING INFORMED of type and condition of vehicle to be towed.

**DESK OFFICER (continued)**

12. Notify next tow operator in the rotation sequence whenever a tow operator is NOT AVAILABLE FOR ANY REASON.
13. Enter each completed or attempted notification to tow operator in **ROTATION TOWING LOG**.
    a. Busy signal, no answer, refusal and reason therefore, entered in "Remarks" column.
14. Notify next tow operator in rotation sequence when assigned tow operator fails to tow the vehicle within a reasonable period of time (e.g., half an hour, but may be longer depending on conditions).
    a. Advise tow operator to notify the desk officer immediately when vehicle has arrived at storage facility.
    b. Prepare and forward **REPORT OF VIOLATION** to Department of Consumer Affairs indicating assigned tow operator's failure to meet performance standards.
15. Make entry under Remarks in **ROTATION TOWING LOG** when two or more vehicles are recovered at one incident by the SAME tow operator. (Such removal counts as one turn in the rotation sequence).
16. Select the name of authorized rotation tow company when preparing the **PROPERTY CLERK INVOICE**.

UPON NOTIFICATION FROM TOW OPERATOR THAT VEHICLE HAS BEEN DELIVERED TO TOW OPERATOR'S STORAGE FACILITY

**DESK OFFICER**

17. Advise tow operator:
    a. To immediately deliver **ROTATION TOW OPERATOR'S MOTOR VEHICLE INVOICE (PD571-154)** to precinct of record for each vehicle towed
    b. Vehicle may be delivered to the Property Clerk Auto Pound on any weekday commencing on the eighth day and ending on the thirtieth day
    c. Vehicles remaining unclaimed commencing on the eighth day MUST BE DELIVERED to the Auto Pound any weekday, by the tow operator, by the thirtieth day
    d. Insurance carrier representatives seeking release of vehicles must present a signed, notarized "Receipt for Release of Vehicle" on insurance company letterhead when picking up vehicles.
18. Have alarm canceled, if required.
    a. Enter cancellation on **PROPERTY CLERK INVOICE** and **Omniform Complaint Revision**, if prepared.
19. Confirm cancellation of alarm by ensuring a standard inquiry is made to NYSPIN via FINEST System by plate or V.I.N. number, at least one to two hours AFTER the original request was transmitted.
    a. Correct any discrepancies immediately by modifying alarm transmission or cancellation via FINEST System.
20. Notify registered owner of vehicle as soon as possible after the recovered vehicle has been delivered to tow operator.

**DESK OFFICER (continued)**

a. If telephone number of registered owner is available make at least one attempt at a telephone notification.

b. Enter in the Telephone Record:

(1) The date and time of such an attempt

(2) The invoice number from the **PROPERTY CLERK INVOICE** that the recovered vehicle is listed on

(3) Name of person contacted if notification attempt is successful.

c. If final insurance settlement was received:

(1) Enter name of insurance company on **INVOICE**, in the field captioned, "Lien Holder"

(2) Notify insurance company if claim settled.

d. Advise insurance carrier or registered owner (if claim not settled):

(1) That recovered vehicle may be reclaimed at the tow operator's storage facility or the Property Clerk Auto Pound upon proof of ownership and payment of authorized fees

(2) Of the address and telephone number of storage facility or Pound.

21. Have **ROTATION TOW-OWNER NOTIFICATION** prepared.

a. Ensure that in all cases where the registered owner or insurance carrier did not recover the vehicle, that they are notified in writing utilizing the **ROTATION TOW-OWNER NOTIFICATION**, even if a telephone notification was already made.

b. Print "Prisoner/Finder/Owner Copy" of **PROPERTY CLERK INVOICE**.

22. Make appropriate entries in **ROTATION TOWING LOG**.

23. Distribute **ROTATION TOW - OWNER NOTIFICATION** as follows:

a. Original copy of the **ROTATION TOW - OWNER NOTIFICATION** and an "Prisoner/Finder/Owner" copy of **PROPERTY CLERK INVOICE** to owner via U.S. mail

(1) Envelope addressed to owner will include precinct return address on upper left corner and **PROPERTY CLERK INVOICE** number on lower left corner.

b. Attach duplicate copy to the **ROTATION TOW OPERATOR'S MOTOR VEHICLE INVOICE** (when received) and place in the Rotation Towing thirty-day file maintained at the precinct.

UPON RECEIPT OF THE **ROTATION TOW OPERATOR'S MOTOR VEHICLE INVOICE** FROM THE TOW OPERATOR:

**DESK OFFICER**

24. Verify accuracy of information entered on **ROTATION TOW OPERATOR'S MOTOR VEHICLE INVOICE** with information on **PROPERTY CLERK INVOICE**.

a. Enter data from inspection on **PROPERTY CLERK INVOICE** to "Pct. Qty." captions on **ROTATION TOW OPERATOR'S MOTOR VEHICLE INVOICE** (shaded areas)

b. Indicate discrepancies, if any in the "Remarks" section of the **PROPERTY CLERK INVOICE**, utilizing the update invoice function of the Property and Evidence Tracking System

**DESK OFFICER (continued)**

c. Prepare **COMPLAINT REPORT**, if appropriate, and indicate serial number in the "Remarks" section of the **PROPERTY CLERK INVOICE**, utilizing the update invoice function of the Property and Evidence Tracking System.

25. Verify that alarm, if any, was cancelled, that owner was notified, and **ROTATION TOW-OWNER NOTIFICATION** was sent.
    a. If cancellation does not appear in NYSPIN System or transmitted cancellation contains a discrepancy, have cancellation corrected utilizing FINEST System.
26. Distribute **PROPERTY CLERK INVOICE** when V.I.N. has been obtained and ownership of vehicle has been determined, as follows:
    a. One copy of "Property Clerk Copy" to Rotation Towing 30-Day File, with **ROTATION TOW OPERATOR'S MOTOR VEHICLE INVOICE** and copy of **ROTATION TOW-OWNER NOTIFICATION** attached thereto.
    b. "Invoicing Officer" copy to recovering officer.
    c. One copy of each "Rotation Tow", "Prisoner/Finder/Owner" to tow operator.
27. Ensure the following is done if V.I.N. has NOT been obtained or ownership has NOT been determined:
    a. Ensure that statement "Deliver to Auto Pound WITHIN FORTY-EIGHT HOURS for confidential V.I.N. check" has been entered in the "Remarks" section of the **PROPERTY CLERK INVOICE**
    b. Direct tow operator to deliver vehicle and ALL copies of **PROPERTY CLERK INVOICE** to Property Clerk Auto Pound within forty-eight hours of completion of towing assignment
    c. Retain **ROTATION TOW OPERATOR'S MOTOR VEHICLE INVOICE** in Rotation Towing thirty-day file for entry of vehicle storage number pending receipt of **NOTICE OF VEHICLE DELIVERY (PD571-128)** from Auto Pound.
28. Advise tow operator to distribute copies of **PROPERTY CLERK INVOICE** upon release of vehicle to registered owner/authorized representative/insurance carrier as follows:
    a. "Prisoner/Finder/Owner" - to owner/authorized representative/ insurance carrier
    b. "Rotation Tow" - deliver to precinct of recovery.

<u>UPON RECEIPT OF ROTATION TOW COPY OF **PROPERTY CLERK INVOICE** AT PRECINCT, INDICATING RELEASE OF VEHICLE BY TOW OPERATOR TO OWNER/AUTHORIZED REPRESENTATIVE/INSURANCE CARRIER</u>.

**DESK OFFICER**

29. Ensure that **PROPERTY CLERK INVOICE** ("Rotation Tow" copy) is properly receipted and storage fees are indicated.

**DESK OFFICER (continued)**

a. A written authorization from the registered owner of the vehicle or copy of the insurance carrier's notarized "Receipt for Release of Vehicle" attached to "Rotation Tow" copy of **PROPERTY CLERK INVOICE** will suffice as receipt for release of vehicle.

30. Attach "Rotation Tow" copy of **PROPERTY CLERK INVOICE** to "Property Clerk" copy of **PROPERTY CLERK INVOICE** from Rotation Towing thirty-day file and maintain in separate designated file in **PROPERTY CLERK INVOICE** number order with related documents, i.e., District Attorney's Release, etc., if any, attached.

31. File **ROTATION TOW OPERATOR'S MOTOR VEHICLE INVOICE** in command.

**EVIDENCE/ PROPERTY CONTROL SPECIALIST**

32. Retrieve "Rotation Tow" copy of **PROPERTY CLERK INVOICE** and perform the "Return to Owner from Rotation Tow (RTO From RoTow)" function utilizing the Property and Evidence Tracking System.

UPON NOTIFICATION FROM TOW OPERATOR THAT VEHICLE IS BEING REMOVED TO PROPERTY CLERK'S AUTO POUND.

**DESK OFFICER**

33. Inform the tow operator that in no event shall any towing company charge the Police Department for storage charges incurred after the tenth day of storage.
    a. Retain **ROTATION TOW OPERATOR'S MOTOR VEHICLE INVOICE**, pending receipt of **NOTICE OF VEHICLE DELIVERY** from the Property Clerk's Auto Pound.

34. Direct tow operator to deliver all copies of **PROPERTY CLERK INVOICE**, with vehicle, to Property Clerk's Auto Pound.
    a. Enter vehicle disposition, by documenting the name of the Department auto pound the motor vehicle/motorcycle was delivered to, in the "Remarks" column of the **ROTATION TOWING LOG**.

**UNIFORMED MEMBER OF THE SERVICE ASSIGNED TO AUTO POUND**

35. Perform intake utilizing the Property and Evidence Tracking System.
    a. Print **PROPERTY TRANSFER REPORT ACCEPTANCE DOCUMENT (PD521-172)** and issue to tow operator as receipt.

36. Prepare **NOTICE OF VEHICLE DELIVERY** and forward IMMEDIATELY to the desk officer, precinct of recovery.

**DESK OFFICER**

37. Enter vehicle storage number on **ROTATION TOW OPERATOR'S MOTOR VEHICLE INVOICE** upon receipt of **NOTICE OF VEHICLE DELIVERY**.

38. File **ROTATION TOW OPERATOR'S MOTOR VEHICLE INVOICE** in command.

**COMMANDING OFFICER/ DESIGNEE**

39. Inspect daily:
    a. **ROTATION TOWING LOG** entries for previous twenty-four hours to ensure completeness and accuracy.
    b. Rotation Towing thirty-day file to:
        (1) Determine status of all **INVOICES**.
        (2) Ensure no vehicle is being held more than thirty days.
40. Enter date, time of inspection and signature in "Remarks" column of **ROTATION TOWING LOG** and include remedial action taken, if any.
41. Ensure compliance with the following:
    a. Complaints concerning license violations and administrative matters, including overcharges by tow operators, are reported to the Department of Consumer Affairs on **REPORT OF VIOLATION**.
    b. Complaints alleging thefts or other unlawful acts by towing company personnel are recorded on **COMPLAINT REPORT** and investigated.
        (1) Duplicated copies of **COMPLAINT REPORT** must by forwarded to the Department of Consumer Affairs for informational purposes only.
    c. Participating tow operators are permitted to view the **ROTATION TOWING LOGS** of precincts within their assigned zone(s) to verify rotational sequence.

***ADDITIONAL DATA***

*OPERATIONAL CONSIDERATIONS*

*An OWNER WILL NOT BE NOTIFIED NOR WILL AN ALARM BE CANCELLED on the recovered vehicle until the tow operator has advised that the vehicle has been removed to storage facility.*

*If the envelope with the **ROTATION TOW - OWNER NOTIFICATION** and attached copy of the **PROPERTY CLERK INVOICE** is returned by the Postal Service as non-deliverable, attach the unopened envelope to the "Property Clerk Copy" of the **PROPERTY CLERK INVOICE**. A notation will then be made on the duplicate **ROTATION TOW-OWNER NOTIFICATION** that the original was returned undelivered.*

*Rotation tow operators will deliver motor vehicles and motorcycles to a designated Department auto pound. Motorcycles are stored and can be reclaimed at a designated Department auto pound. When motor vehicles are delivered to a Department auto pound, the auto pound will immediately notify an authorized third party storage facility to remove and store the motor vehicles. Claimants must initially pay, at the auto pound concerned, the NYPD Rotation Tow and storage fees, in addition to third party transfer and storage fees, to reclaim a motor vehicle/motorcycle, or to obtain a release authorization pass, PRIOR to reclaiming a motor vehicle from the third party storage facility. If a vehicle/motorcycle remains unclaimed after fifteen days, from its delivery date to a Department auto pound, the vehicle/motorcycle will be disposed of according to law.*

*Department of Sanitation personnel affix a numbered sticker with red lettering and red border to the outside rear of vehicles deemed eligible for Rotation Towing. Therefore, upon notification from the Department of Sanitation of the location of a vehicle eligible for Rotation Towing, the member of the service receiving the notification will immediately notify the desk officer of the following:*

***ADDITIONAL DATA (continued)***

*a. Time and date of notification*
*b. Identity of Sanitation Department member making notification*
*c. Location and description of vehicle (year and make)*
*d. Sanitation Department sticker number.*

*The above information will be entered in the appropriate columns of the **ROTATION TOWING LOG**.*

*The desk officer will direct a uniformed member of the service to respond to the vehicle location and make a visual inspection of the vehicle to ensure it qualifies for Rotation Towing in accordance with established criteria set forth on the rear inside cover of the **ROTATION TOWING LOG**. Neither the Department of Sanitation notification nor the affixing of a Department of Sanitation numbered sticker on a vehicle confers automatic Rotation Towing eligibility. FINAL DETERMINATION must be made by a uniformed member based upon visual inspection of the vehicle concerned.*

*Uniformed members conducting visual inspections of vehicles reported by the Department of Sanitation as eligible for inclusion in Rotation Towing will be guided by the following:*

| ***CATEGORY*** | ***CLASSIFICATION*** | ***PROCEDURE*** |
|---|---|---|
| ***Stolen/abandoned (with or without registration plates)*** | ***Other than derelict*** | ***Include in Rotation Towing and affix ROTATION TOW IDENTIFICATION STICKER*** |
| ***Stolen/abandoned (with or without registration plates)*** | ***Derelict*** | ***Notify Department of Sanitation that vehicle does not qualify for Rotation Towing and must be removed under the Derelict Auto Program; a notation concerning this notification will be made in "Remarks" column of the Rotation Towing Log. Remove plates from vehicle, if appropriate, prior to notification and comply with applicable provisions of P.G. 214-29, "Derelict Vehicles Bearing Registration Plates."*** |

*Enforcement officers from the following agencies may utilize this Department's Rotation Towing Program and perform steps "1" through "9" of the foregoing procedure whenever they recover stolen and/or apparently abandoned vehicles in areas under their respective jurisdictions within the confines of New York City:*

- *New York City Parks Department*
- *Seagate PD (60th Precinct)*

*Administrative Code Section 20-519 (a) (3) states that all participants in the "Rotation Tow" program shall maintain a business premises that is under the exclusive control of the participant, is not used by any other towing company and is the premises listed on such*

***ADDITIONAL DATA (continued)***

*participant's license to engage in towing. Such premises shall consist of a location that is open to the public, where towing company personnel are employed, calls requesting towing service are received and tow operators are dispatched, and where all records required by this subchapter or any rules promulgated hereunder are maintained.*

*The following violations of Department of Consumer Affairs regulations will be entered under "Additional Information" on* ***REPORT OF VIOLATION****:*

*a. UNJUSTIFIABLE REFUSAL to accept a towing assignment:*
*(1) Violation - Article XII subdivision F (ROTOW)*

*b. REPEATED UNJUSTIFIABLE REFUSALS to accept towing assignments:*
*(1) Violation - Article XII subdivision L (ROTOW)*
*(List times and dates of such refusals)*

***RELATED PROCEDURES***

*Driveway Tow Program (P.G. 214-14)*
*Derelict Vehicles Bearing Registration Plates (P.G. 214-29)*
*Requesting U.S. Postage Stamps (A.G. 325-26)*

***FORMS AND REPORTS***

***COMPLAINT REPORT (PD313-152)***
***NOTICE OF VEHICLE DELIVERY (PD571-128)***
***PROPERTY CLERK INVOICE (PD521-141)***
***REPORT OF VIOLATION (PD672-151)***
***ROTATION TOW IDENTIFICATION STICKER (PD571-090)***
***ROTATION TOWING LOG (PD571-1412)***
***ROTATION TOW-OWNER NOTIFICATION (PD571-1210)***
***PROPERTY TRANSFER REPORT ACCEPTANCE DOCUMENT(PD521-172)***
***ROTATION TOW OPERATOR'S MOTOR VEHICLE INVOICE (PD571-154)***
***Omniform Complaint Revision***

**PURPOSE** To safeguard boats coming into police custody.

**PROCEDURE** Upon taking a boat into police custody:

**UNIFORMED MEMBER OF THE SERVICE**

1. Ascertain if stolen by utilizing mobile digital computer or FINEST System.
   a. Obtain relevant information.
2. Notify desk officer, precinct of occurrence of:
   a. Description of boat
   b. Circumstances leading to custody
   c. Other pertinent information.
3. Prepare **PROPERTY CLERK INVOICE WORKSHEET (PD521-141A)** for boat.
4. Prepare a separate **PROPERTY CLERK INVOICE WORKSHEET** for evidence or other property that is not part of boat equipment and deliver items to precinct of record.
5. Request patrol supervisor to respond to scene.

**PATROL SUPERVISOR**

6. Verify accuracy and completeness of **PROPERTY CLERK INVOICE WORKSHEET(S)** by signing rank, name and shield number.

**COMMAND CLERK**

7. Enter **PROPERTY CLERK INVOICE WORKSHEET(S)** into the Property and Evidence Tracking System to generate a **PROPERTY CLERK INVOICE(S) (PD521-141)**.

**UNIFORMED MEMBER OF THE SERVICE**

8. Digitally sign **PROPERTY CLERK INVOICE(S)** verifying accuracy and completeness.

**PATROL SUPERVISOR**

9. Digitally sign **PROPERTY CLERK INVOICE(S)** verifying accuracy and completeness.

**DESK OFFICER**

10. Notify owner, if known, and Harbor Unit for removal of boat to storage facility.
11. Create a **PROPERTY TRANSFER REPORT (PD521-1412)** utilizing the Property and Evidence Tracking System.

**UNIFORMED MEMBER OF THE SERVICE**

12. Digitally sign **PROPERTY TRANSFER REPORT** if no discrepancies.
13. Deliver **PROPERTY CLERK INVOICE**, **PROPERTY TRANSFER REPORT** and Property and Evidence Tracking System Label to responding Harbor Unit Member.

**RESPONDING HARBOR UNIT**

14. Affix Property and Evidence Tracking System Label to boat and verify entries on **PROPERTY CLERK INVOICE** and **PROPERTY TRANSFER REPORT**.
15. Deliver boat with **PROPERTY CLERK INVOICE** to storage facility.
16. Conduct intake of **PROPERTY CLERK INVOICE** in the Property and Evidence Tracking System.
17. Notify desk officer, invoicing command, of **PROPERTY TRANSFER REPORT ACCEPTANCE DOCUMENT (PD521-172)** confirmation number.

**UNIFORMED MEMBER OF THE SERVICE**

18. Enter information concerning boat and disposition in digital **Activity Log**.

**RESPONDING HARBOR UNIT**

19. Enter Harbor Unit Storage Number on all related records.
20. Forward copy of **PROPERTY CLERK INVOICE** to Property Clerk Inventory Unit.
21. Identify and notify owner of boat, if not already been done.
22. Cancel alarm, if applicable.

***ADDITIONAL DATA***

*OPERATIONAL CONSIDERATIONS*

*An alarm will NOT be cancelled until boat is actually at storage facility or receipted for by owner.*

*When a boat is found adrift by Harbor Unit personnel, the member assigned to Harbor Unit will prepare the **PROPERTY CLERK INVOICE** and notify the desk officer, precinct of record.*

*When a boat is found on a street, contact Department tow for removal. Do not contact Rotation Tow.*

***FORMS AND REPORTS***

***PROPERTY CLERK INVOICE (PD521-141)***
***PROPERTY CLERK INVOICE WORKSHEET (PD521-141A)***
***PROPERTY TRANSFER REPORT(PD521-1412)***
***PROPERTY TRANSFER REPORT ACCEPTANCE DOCUMENT (PD521-172)***

**PURPOSE** To ensure that all firearms and firearm-related evidence coming into possession of the Department is properly marked, packaged, sealed, and invoiced in order to maintain a continuous chain of custody.

**DEFINITIONS** FIREARM - The Department's definition of a firearm includes:

a. Any rifle, shotgun, pistol, revolver, derringer, machine gun, etc., with or without a rifled bore
b. Any starter's pistol, zip gun, air gun, CO2 hand/long gun, etc
c. Any type of homemade, modified, converted, etc., gun
d. Any type of simulated firearm such as a toy gun, imitation pistol, etc
e. Any type of firearm which is not detectable by a metal detector when grips, stocks, and magazines are removed
f. Any type of firearm, or part thereof, that is untraceable (i.e., ghost gun)
g. Any type of firearm, or part thereof, that is created using a three-dimensional printer.

CARTRIDGE - Live ammunition. A cartridge consists of a bullet (projectile), and a shell casing together as one unit. Cartridge(s) will be distinguished based upon the location from which the cartridge was recovered:

a. Cartridge removed from the chamber of a firearm.
b. Remaining cartridge(s) removed from a firearm other than the cartridge removed from the chamber (i.e., removed from magazine or removed from cylinder).
c. Cartridge(s) NOT removed from a firearm but seized in connection with the recovery of a firearm from a person, object, or location AND there is no need to establish a crime scene (for example: cartridge(s) seized from a person's clothing in connection with an arrest where a firearm is recovered; OR, cartridge(s) seized from a home during an investigation where a firearm is recovered AND there is no need to establish a crime scene because all of the perpetrators are identified).
d. Cartridge(s) NOT removed from a firearm but recovered from a crime scene where a firearm may or may not have been recovered (for example: cartridge(s) found lying in the street after a shooting; OR, cartridge(s) found lying on the floor in an apartment or automobile after a robbery).

FIRED BULLET - That part of a cartridge which has been fired though the barrel of a firearm (usually lead, metal-jacketed lead or coated lead). A fired bullet may break into pieces of lead, coated lead, metal jacketing, metal jacketing attached to lead, etc.

SHELL CASING - Metal casing part of the cartridge remaining in or ejecting from a firearm after the fired bullet leaves the firearm's barrel.

**DEFINITIONS (continued)**

PROPERLY "MARKING" FIREARMS AND FIREARM-RELATED EVIDENCE - Members of the service will utilize a scribe or other sharp writing instrument to scratch their initials and a unique consecutive number on each firearm and each item of firearm-related evidence. For example, if at a crime scene 1 fired bullet and 3 shell casings and a semiautomatic pistol with 1 cartridge in the chamber and 4 cartridges in the magazine are recovered; then the firearm would be numbered 1, the magazine numbered 2, the cartridge in the chamber numbered 3 and the cartridges in the magazine would be numbered 4 through 7, the fired bullet would be numbered 8 and the 3 shell casings would be numbered 9 through 11. It does not matter what particular number a firearm or item of firearm-related evidence is assigned provided the same number is not used more than once. Therefore, in the above example, it also would be proper to have the fired bullet numbered 1, the 3 shell casings numbered 2 through 4, the firearm numbered 5, the magazine numbered 6, the cartridge in the chamber numbered 7 and the 4 cartridges in the magazine numbered 8 through 11.

PROPERLY "SEALING" A CONTAINER - In order to properly seal a container (other than NYPD Plastic Security Envelope), a member of the service must:

a. Fasten the container securely with EVIDENCE TAPE in a manner to prevent loss/contamination of the evidence and to ensure that if the container is opened there would be obvious damage to the container and/or evidence tape AND sign name legibly across the border between the evidence tape and the container.

b. An NYPD Plastic Security Envelope has adhesive on the envelope flap and does not have to be fastened with evidence tape. Seal Plastic Security Envelope by removing paper strip exposing the pre-applied adhesive and fold the top of envelope over aligning blue circles. Sign name, tax number, command and date on pre-printed line with denoted captions.

**PROCEDURE**

Whenever a firearm as defined above, and/or firearm-related evidence comes into the possession of a member of the service, in addition to other required actions:

**UNIFORMED MEMBER OF THE SERVICE**

1. DO NOT touch, move or disturb any firearm and/or firearm-related evidence that may become part of a crime scene except when absolutely necessary, e.g., large crowd gathering, rendering aid to a victim, etc.
2. Unload cartridge(s) from cylinder, chamber, and/or magazine of a firearm.
   a. To prevent possible destruction of fingerprints or other forensic evidence, DO NOT handle unnecessarily.
   b. If a firearm is unfamiliar or it appears to be difficult to unload, safeguard in original condition and notify desk officer.
3. Mark, package and seal the cartridge removed from the chamber of the firearm.
   a. Mark the bullet portion of the cartridge; do not mark the metal shell casing portion. Do not mark the cartridge if it is too small/deformed.

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

b. Package and seal in a container/envelope. Write initials, unique consecutive number and "Cartridge Removed From Chamber" on the container and include the serial number of the firearm/lead seal.

4. Mark, package and seal ALL cartridges removed from the firearm other than the cartridge removed from the chamber.
   a. Mark the bullet portion of the cartridge(s); do not mark the metal shell casing portion. If the cartridge is too small/deformed to mark, package each cartridge that cannot be marked in a separate container/envelope, seal it, write initials and unique consecutive number on the container and package in conformance with step 4b.
   b. Package and seal ALL cartridges removed from firearm other than the cartridge removed from the chamber in one (1) evidence container/envelope. Write "Cartridge(s) Removed From Firearm" on container and include the serial number of the firearm/lead seal.
5. Mark, package and seal ALL cartridge(s) NOT removed from a firearm but seized in connection with the recovery of a firearm from a person and/or location AND there is no need to establish a crime scene.
   a. Mark the bullet portion of the cartridge(s); do not mark the metal shell casing portion. If the cartridge is too small/deformed to mark, package each cartridge that cannot be marked in a separate container/envelope, seal it, write initials and unique consecutive number on the container and package in conformance with step "5b" or "5c", as applicable.
   b. DO NOT package cartridges removed from a person in the same container/envelope as cartridges removed from a location. All cartridges removed from the same person will be packaged in one container/envelope and cartridges removed from different persons will be packaged in separate containers/envelopes. Write the name and date of birth of the person from whose clothing the cartridge(s) were recovered and the words "Cartridge(s) Removed From Clothing" on EACH separate container and include the serial number of the firearm/lead seal.
   c. DO NOT package cartridges removed from a location in the same container/envelope as cartridges removed from a person. All cartridges that were seized from the same location will be packaged in one container/envelope and cartridges removed from different locations will be packaged in separate containers/envelopes. Identify the location from which the cartridge(s) were recovered on EACH separate container and include the serial number of the firearm/lead seal.
   d. Package entire box or boxes, if one or more boxes containing cartridges are seized in connection with the recovery of a firearm and there is no need to establish a crime scene, in an appropriate container and seal. Write initials and unique consecutive number on the outside of the container. It is not necessary to individually mark the bullet portion of each cartridge in the box.

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

6. Mark, package and seal ALL cartridges that were NOT removed from a firearm BUT were recovered from a crime scene where a firearm may or may not have been recovered.
   a. Mark the bullet portion of ALL of the cartridges. DO NOT mark or place any scratches on the metal shell casing portion of the cartridges. If a cartridge is too small/deformed to mark, write initials and unique consecutive number on the container/envelope in which the cartridge is packaged.
   b. Package and seal each individual cartridge in a separate container/envelope. NEVER place two or more individual cartridges in the same container/envelope.
7. Mark, package and seal ALL fired bullets recovered from a crime scene.
   a. Mark the bottom/base of ALL of the fired bullets. DO NOT mark or place any scratches on or near the sides of the fired bullets. If a fired bullet is too small/deformed to mark, write initials and unique consecutive number on the container/envelope in which the fired bullet is packaged.
   b. Package and seal each individual fired bullet in a separate container/envelope. NEVER place two or more individual fired bullets in the same container/envelope.
8. Mark, package and seal ALL shell casing(s) recovered from a crime scene.
   a. Mark the inside of ALL of the shell casings. DO NOT mark or place any scratches on the exterior or bottom of the shell casings. If a shell casing is too small/deformed to mark, write initials and unique consecutive number on the container/envelope in which the shell casing is packaged.
   b. Package and seal each individual shell casing in a separate container/envelope. NEVER place two or more individual shell casings in the same container/envelope.
9. Mark initials and unique consecutive number on recovered firearm(s).
   a. Affix a separate lead seal on EACH firearm without a distinguishable serial number.
10. Mark initials and unique consecutive number on magazine removed from firearm.
11. Mark initials and unique consecutive number on ALL silencers seized.
12. Mark initials and unique consecutive number on ALL other types of firearm-related evidence that is not affixed to a firearm.
13. Prepare **PROPERTY CLERK INVOICE WORKSHEET (PD521-141A)** for recovered firearm(s) and firearm-related evidence.
   a. List the firearm as item #1 on line 1 of the **WORKSHEET** and describe by listing the make, firearm type and serial number (e.g., Colt revolver serial number 1234, Mossberg shotgun serial number 4567, etc.).
      (1) Firearm type will be: pistol, revolver, derringer, shotgun, rifle, air/$CO_2$ pistol, air/$CO_2$ rifle, untraceable, three-dimensional printed or '"other." Examples of the firearm

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

type "other" would include toy gun, starter's pistol, imitation pistol, black powder gun, etc.

(2) If there is no serial number or the serial number is defaced, write "no/defaced serial number" (e.g., Glock pistol no/defaced serial number, Crossman air/$CO_2$ pistol no/defaced serial number, etc.).

b. List the magazine removed from the firearm, if any, as the next item on the **WORKSHEET**.

c. List the cartridge removed from the chamber of the firearm as the next item on the **WORKSHEET** and describe the caliber, e.g., ".38 caliber cartridge removed from the chamber of the firearm."

(1) Describe the caliber of the cartridge removed from the chamber of the firearm as "unknown" if the caliber can not be determined.

d. List ALL cartridges removed from the firearm that are the <u>same</u> "<u>caliber</u>" as a separate ITEM on a separate line on the **WORKSHEET**; and, give all cartridges removed from the firearm that are the same caliber the same ITEM number, and describe the caliber. For example, if five cartridges removed from a firearm are removed from the magazine of the firearm, and three are .380 caliber cartridges and two are 9mm caliber cartridges, then list the three .380 caliber cartridges as a separate item on a separate line on the **WORKSHEET** and give them a separate ITEM number and describe them as ".380 caliber cartridges removed from the firearm"; <u>and</u>, list the two 9mm caliber cartridges as the next item on a separate line on the **WORKSHEET** and give them a separate ITEM number and describe them a "9mm caliber cartridges removed from the firearm."

(1) Describe the caliber of one or more of the cartridges removed from the firearm as "unknown" if the caliber can not be determined.

e. Silencer, whether or not affixed to a firearm, will be listed separately as the next item of the **WORKSHEET**. If more than one silencer is recovered, each silencer will be listed as a separate item on the **WORKSHEET** and will be separately described. State on the **WORKSHEET** whether the silencer was affixed to the firearm and if not, identify the person or location from where it was recovered.

f. Each firearm accessory that is affixed to the firearm (scope, laser, sling, etc.) <u>OR</u>, that is not affixed to the firearm **but** is necessary to make the firearm operable, will be listed separately as the next item(s) on the **WORKSHEET** and will be separately described.

g. List any additional firearm(s), associated magazine(s), cartridge(s), silencer(s), appropriate accessories, etc., as the next item(s) of the **WORKSHEET** in accordance with the procedures and sequence contained in Steps "13a" through "13f", as applicable.

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

h. List ALL cartridges NOT removed from the firearm but seized in connection with the recovery of a firearm from a particular person and there is no need to establish a crime scene as ONLY one item on the next line of the **WORKSHEET**, irrespective of the total number of cartridges recovered from that person. Under "Quantity," list the TOTAL number of cartridge(s) NOT removed from the firearm but seized from a particular person. Describe as "cartridge(s) NOT removed from the firearm and identify the person."

(1) If cartridges were seized from more than one person, list the cartridges seized from different persons on separate lines on the **WORKSHEET** and identify that person. Use only one line of the **WORKSHEET** for each specific person from whom the cartridges were seized, irrespective of the total number of cartridges that were seized from that person.

i. List ALL cartridges NOT removed from a firearm but seized in connection with the recovery of a firearm from a particular location and there is no need to establish a crime scene as ONLY one item on the next line of the **WORKSHEET**, irrespective of the total number of cartridges recovered from a particular location. Under "Quantity," list the total number of cartridge(s) NOT removed from the firearm but seized from a particular location. Describe as "cartridge(s) NOT removed from the firearm" and identify the location, e.g., briefcase, closet, trunk of auto, etc.

(1) If cartridges were seized from more than one location, list the cartridges seized from different locations on separate lines of the **WORKSHEET** and describe the location. Use only one line of the **WORKSHEET** for each specific location from where cartridges were seized, irrespective of the total number of cartridges that were seized from that particular location.

j. List ALL shell casings recovered from a crime scene that are the <u>same</u> "<u>caliber</u>" as a separate ITEM on a separate line on the **WORKSHEET**; and, give all shell casings recovered from a crime scene that are the <u>same</u> <u>caliber</u> the same ITEM number and describe the caliber of the shell casings. For example, if seven shell casings are recovered from a crime scene, and three are .380 caliber shell casings and four are 9mm caliber shell casings, then list the three .380 caliber shell casings as a separate item on a separate line on the **WORKSHEET** and give them a separate ITEM number and describe them as ".380 caliber shell casings recovered from crime scene"; <u>and</u>, list the four 9mm caliber shell casings as the next item on a separate line on the **WORKSHEET** and give them a separate ITEM number and describe them as "9mm caliber shell casings recovered from crime scene."

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

(1) Describe the caliber of one or more of the shell casings recovered from a crime scene as "unknown" if the caliber can not be determined.

k. List ALL fired bullets recovered from a crime scene as only one item on the next line of the **WORKSHEET**, irrespective of the total number of fired bullets recovered. Under "Quantity," list the TOTAL number of fired bullets. Describe the evidence as "fired bullets recovered from crime scene."

l. List ALL cartridges NOT removed from a firearm that are recovered from a crime scene that are the same "caliber" as a separate ITEM on a separate line on the **WORKSHEET**; and, give all cartridges NOT removed from a firearm that are recovered from a crime scene that are the same caliber the same ITEM number and describe the caliber of the cartridges. For example, if seven cartridges NOT removed from a firearm are recovered from a crime scene, and three are .380 caliber cartridges and four are 9mm caliber cartridges, then list the three .380 caliber cartridges as a separate item on a separate line on the **WORKSHEET** and give them a separate ITEM number and describe them as ".380 caliber cartridges NOT removed from a firearm that are recovered from crime scene"; and, list the four 9mm caliber cartridges as the next item on a separate line on the **WORKSHEET** and give them a separate ITEM number and describe them as "9mm caliber cartridges NOT removed from a firearm that are recovered from crime scene."

(1) Describe the caliber of one or more of the cartridges NOT removed from a firearm that are recovered from a crime scene as "unknown" if the caliber can not be determined.

14. Place firearm and all other firearm-related evidence that is listed on the same **WORKSHEET** into one Plastic Security Envelope and properly seal in presence of desk officer.

a. If firearm and firearm-related evidence will not fit into one Plastic Security Envelope:

(1) Place the firearm and all other firearm-related evidence that are invoiced on the same **WORKSHEET** into the one appropriate sized bag/container. If possible, DO NOT use more than one bag/container.

(2) Properly seal the bag/container.

(3) Write command and invoice number on the outside of the bag/container. If more than one bag/container is used, write command, invoice number and corresponding item numbers on the outside of EACH bag/container. Mark EACH bag/container as "Bag 1 of _____," "Bag 2 of _____," etc.

b. DO NOT place evidence listed on two different **INVOICES** into the same Plastic Security Envelope or the same bag/container. All property must be properly tagged, packaged or sealed, and clearly

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

identified by **INVOICE** number and barcode. Ensure that every bag/security envelope or item that cannot fit in a bag/security envelope has a Property and Evidence Tracking System barcode label or Property Clerk Seal attached to the bag/property.

15. When a firearm with a distinguishable serial number is seized, query NYSPIN/NCIC by utilizing the FINEST system.
16. Do not cancel alarm for firearms(s).
    a. Recovering command will not cancel alarm for firearms. CANCELLATION WILL BE MADE ONLY BY STOLEN PROPERTY INQUIRY SECTION.
17. Prepare an OMNIFORM computer generated copy of the **COMPLAINT REPORT (PD313-152)** from the precinct of recovery. This applies for all firearms as described in the "Definitions," e.g., zip, air/CO2, imitation, etc.
18. Prepare **REQUEST FOR LABORATORY EXAMINATION REPORT (PD521-168)** utilizing the Property and Evidence Tracking System, if firearm(s) and/or firearm-related evidence must be examined by the Police Laboratory or Office of the Chief Medical Examiner (OCME) Forensic Biology Unit, or other forensic laboratory.
19. Deliver firearm(s) and firearm-related evidence to the desk officer, command of occurrence.

**COMMAND CLERK**

20. Generate **PROPERTY CLERK INVOICE (PD521-141)** and **REQUEST FOR LABORATORY EXAMINATION REPORT** (if prepared) from **WORKSHEET** utilizing the Property and Evidence Tracking System.

**DESK OFFICER**

21. Verify that:
    a. Firearm is unloaded. If the firearm is unfamiliar or appears to be difficult to unload, safeguard in original condition and notify ESU to respond and unload the firearm and render it safe
    b. Firearm(s) and firearm-related evidence are properly marked, packaged and sealed
    c. **INVOICE(S)** and forms were properly prepared
    d. Required notifications have been made.
22. Enter a notation in the "Remarks" section of the **INVOICE** that the corresponding firearm(s) have been unloaded/rendered safe.
23. Review OMNIFORM computer generated copy of **COMPLAINT REPORT** with particular attention to the following captions:
    a. Address/Location of Occurrence - Be specific regarding address, street, apartment number, borough, zip code, etc.
    b. Perpetrator Section - Be specific regarding height, weight, ethnicity, date of birth, age, sex, address, street, apartment number, zip code, etc.
    c. Evidence Section - Must indicate firearms and invoice number.
    d. Weapon Section - Describes the firearm as per all of the captions.
24. Utilize the Property and Evidence Tracking System to create a **PROPERTY TRANSFER REPORT (PD521-1412)**.

**DESK OFFICER (continued)**

25. Attach the following to the invoiced firearms/firearm-related evidence:
    a. Two copies of **PROPERTY CLERK INVOICE**
    b. Copy of OMNIFORM computer generated **COMPLAINT REPORT**.
    c. Copy of **REQUEST FOR LABORATORY EXAMINATION REPORT** (if prepared).
    d. Copy of FINEST printout.
26. Forward invoiced firearms and/or firearm-related evidence to the Police Laboratory in the appropriate manner. When necessary, make arrangements to have firearms and/or firearm-related evidence expeditiously delivered to the Police Laboratory.
    a. Ensure that all invoiced firearms and/or firearm-related evidence in the command property locker that must be examined by the Police Laboratory, Firearms Analysis Section, are delivered to the patrol borough office by 0100 hours daily.
    b. Exigent circumstances must exist AND the desk officer MUST obtain permission from the precinct commanding officer/duty captain in order to delay beyond 0100 hours or cancel delivery to the patrol borough office of the invoiced firearms/firearm-related evidence that must be examined by the Firearms Analysis Section.

***ADDITIONAL DATA***

*OPERATIONAL CONSIDERATIONS*

*Members should be aware that firearm accessories (e.g., holster, sling, gun case, etc.), that are not affixed to the firearm AND are not needed to make the firearm operable, will not be listed on the same **INVOICE** as the firearm(s) and firearm-related evidence. Instead, the accessories will be listed on a separate **WORKSHEET** and will be delivered direct to the Property Clerk Division. If there is more than one accessory, invoice all of the accessories on one **INVOICE** if possible, and list each accessory as a separate item on the **WORKSHEET**.*

*Members are reminded that a **PROPERTY CLERK INVOICE** will not exceed twenty line items if the **INVOICE** is being sent or has the potential to be sent to the Police Laboratory for laboratory analysis.*

*FIREARMS INVOICED FOR SAFEKEEPING*

*Certain firearms coming into possession of members of the service, which are categorized for "Safekeeping", should be listed on one **INVOICE** and must be delivered DIRECT to the Property Clerk Division.*

*Firearms within this category are:*

*a. Property of retired, resigned, dismissed, suspended, sick or hospitalized uniformed members of the service.*
*b. Lawfully possessed property of a deceased person.*
*c. Obtained from a licensed dealer when license is revoked, suspended or expired.*
*d. Lawfully possessed and removed by court order, order of protection, etc.*
*e. Obtained from permit holder during renewal, expiration or cancellation of permit.*

***ADDITIONAL DATA (continued)***

*If any of the above described firearms were obtained under circumstances that indicate a valid reason for examination, ONLY the firearms that require examination will be forwarded to the Firearms Analysis Section. All of the firearms that require examination will be listed on one* ***INVOICE****, if possible. The reason for the examination will be specifically explained on the* ***REQUEST FOR LABORATORY EXAMINATION REPORT****.*

*DO NOT invoice firearms categorized for safekeeping that are being delivered to the Firearms Analysis Section on the same* ***INVOICE*** *as the firearms that are being delivered DIRECT to the Property Clerk Division.*

*BIOLOGICAL EVIDENCE*

*If firearms and/or firearms-related evidence also have bloodstains, DNA, serology, saliva, body fluids, tissue, or any other biological evidence thereon, they will be processed according to the following guidelines:*

*a. DO NOT package biological evidence if it is wet; it must be air-dried before it is packaged.*

*b. DO NOT package biological evidence requiring examination/analysis in a plastic security envelope or any other type of plastic bag/container. Package and properly seal EACH individual item of biological evidence requiring examination/analysis in a separate paper bag/container. Affix an orange Biohazard label to each paper bag/container.*

*(1) Write command and invoice number on the outside of each bag/container. If more than one bag/container is used, also write corresponding item number on the outside of each bag/container and mark each bag/container as "Bag 1 of ___," "Bag 2 of ___," etc.*

*c. Do not mark firearms and/or firearm-related evidence if to do so would contaminate, alter, damage, etc, the biological evidence thereon. Instead, properly mark each separate firearm and firearm-related evidence container that contains DNA/biological evidence in the following manner:*

*(1) Legibly print your name in BLOCK letters.*

*(2) Legibly print the unique consecutive number that will be used to identify the item of DNA/biological evidence that will be packaged therein.*

*(3) If applicable, legibly print the Crime Scene Unit Run Number.*

*(4) Legibly print an accurate description of the item of DNA/biological evidence being placed in the container.*

*(5) If a Biological Evidence Bag is utilized, ensure there is an entry in each caption on each Biological Evidence Bag.*

*FIREARMS TRACES*

*All firearms that are delivered to the Firearms Analysis Section (FAS) are automatically traced by the Bureau of Alcohol Tobacco and Firearms (BATF), unless there is a specific request/directive that a firearm(s) trace not be conducted. The results of the automatic firearm(s) trace are not communicated/forwarded to the invoicing member. Consequently, in a routine situation, an investigator who must obtain trace information regarding a firearm should request the firearm trace information from the BATF Regional Crime Gun Center approximately two weeks after the date that the firearm(s) was delivered to FAS. Requests to trace specific firearm(s) are NOT made to the Firearms Analysis Section.*

***ADDITIONAL DATA (continued)***

*During the course of an investigation, search/seizure, arrest, etc., if there is an urgent/immediate need to trace a firearm(s), the request to trace the firearm(s) should be made DIRECT to a supervisor assigned to the Joint Firearms Task Force (JFTF). If a JFTF supervisor cannot be contacted, contact the JFTF supervisor through the Detective Bureau Wheel.*

*In certain situations, an investigating officer may not want a firearm to be automatically traced by BATF because it might jeopardize an investigation or endanger someone. For example, the firearm may have been purchased by an undercover officer and the investigation is ongoing. In order to prevent an automatic firearm trace from occurring, enter "*** DO NOT TRACE***" in capital letters in the "Remarks" sections of both the* ***INVOICE*** *and the* ***REQUEST FOR LABORATORY EXAMINATION REPORT****.*

*At any point during the investigation, when deemed appropriate by the unit commanding officer, a request to trace one or more specific firearms, previously identified as "DO NOT TRACE," can be made by telephone DIRECT to BATF, Regional Crime Gun Center.*

***FORMS AND REPORTS***

***COMPLAINT REPORT (PD313-152)***
***PROPERTY CLERK INVOICE (PD521-141)***
***PROPERTY CLERK INVOICE WORKSHEET (PD521-141A)***
***REQUEST FOR LABORATORY EXAMINATION REPORT (PD521-168)***
***PROPERTY TRANSFER REPORT (PD521-1412)***

NYPD

| Section: Property - General | | Procedure No: 218-24 | |
|---|---|---|---|
| **PROCESSING CONTROLLED SUBSTANCES/MARIJUANA CONTRABAND STORED AT STATIONHOUSE** | | | |
| DATE ISSUED: 03/18/19 | DATE EFFECTIVE: 03/18/19 | REVISION NUMBER: | PAGE: 1 of 3 |

**PURPOSE** To process controlled substances/marijuana contraband weighing less than eight ounces and store it securely in controlled substances locker in stationhouse.

**DEFINITIONS** CONTROLLED SUBSTANCES CONTRABAND - Any dangerous drug or an instrument used to administer dangerous drugs.

PROPERLY SEALED EVIDENCE - Evidence that is packaged in an appropriate container and sealed so its contents cannot readily escape. Tape, heat seal, or adhesive from an envelope are proper seals. Staples used as a seal do NOT constitute a proper seal. Evidence is properly sealed if its contents cannot readily escape the container and if entering the container would result in obvious damage/alteration to the container or its seal.

**PROCEDURE** Upon obtaining controlled substances/marijuana contraband:

**UNIFORMED MEMBER OF THE SERVICE**

1. Bring contraband to precinct where obtained and notify desk officer.
2. Prepare **PROPERTY CLERK INVOICE WORKSHEET (PD521-141A)**, as appropriate.

**COMMAND CLERK**

3. Enter **WORKSHEET** into the Property and Evidence Tracking System to generate a **PROPERTY CLERK INVOICE (PD521-141)**.

**UNIFORMED MEMBER OF THE SERVICE**

4. Request numbered Narcotics Evidence Envelope (Misc.1-71) and Plastic Security Envelope from the desk officer.
5. Complete captions on envelope.
6. Mark contraband for future identification.
   a. Glassine envelopes will be consecutively numbered and the total number of envelopes will be noted in addition to the officer's initials, i.e., 1/10, 2/10, 3/10, etc.
7. Perform the following under the supervision of the desk officer:
   a. Place contraband in Narcotics Evidence Envelope
      (1) Controlled substances contraband that contains phencyclidine (Angel Dust) will be put in a Plastic Security Envelope, and sealed, prior to being placed in Narcotics Evidence Envelope.
   b. Seal flap by removing the plastic strips exposing the pre-applied adhesive and fold the flap over and close. Then press and hold down, ensuring seal is made across the flap. Sign name, shield number, command and date across the flap. DO NOT use staples to seal envelope.
   c. Place sealed and signed Narcotics Evidence Envelope inside a Plastic Security Envelope.
      (1) The captions on the Narcotics Evidence Envelope should be visible through the rear of the Plastic Security Envelope.

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

d. Seal Plastic Security Envelope by removing plastic strip exposing the pre-applied adhesive and fold the top of envelope over aligning blue circles. Sign name, tax number, command and date on pre-printed line with denoted captions.

e. Record the serial numbers of both envelopes on the **PROPERTY CLERK INVOICE** utilizing the 'Packaging' function in the Property and Evidence Tracking System.

f. Affix two 'Property Clerk' copies of the **PROPERTY CLERK INVOICE** to Plastic Security Envelope near the blue circles.

g. Deposit sealed Plastic Security Envelope with papers attached in controlled substances locker.

(1) DO NOT place the controlled substance Khat into the controlled substance locker, if applicable. The invoiced controlled substance will be transported directly to the Police Laboratory.

**DESK OFFICER**

8. Enter serial numbers from Narcotics Evidence Envelope and Plastic Security Envelope in Command Log.

9. Digitally sign **INVOICE** verifying accuracy and completeness.

10. Distribute "ADA" copy as per instructions on **INVOICE**.

**UNIFORMED MEMBER OF THE SERVICE**

11. Notify desk officer of docket number and disposition of case immediately after arraignment of the defendant.

**DESK OFFICER**

12. Process and forward controlled substances/marijuana contraband to Police Laboratory in conformance with *P.G. 218-04, "Delivery of Evidence to the Police Laboratory."*

a. Ensure invoiced the controlled substance Khat is transported directly to the Police Laboratory, if applicable.

***ADDITIONAL DATA***

*OPERATIONAL CONSIDERATIONS*

*A member of a narcotics borough who obtains controlled substances/marijuana contraband without effecting an immediate arrest (undercover buy) will mark, seal and tag contraband in the presence of the covering field team and process it through the Police Laboratory.*

*To prevent injury/infections when handling or forwarding hypodermic needles/syringes to Police Laboratory, members of the service will place such items in plastic tubes, needle end first. The plastic tube will be capped, if possible. However, if the syringe extends beyond the tube, it will be secured with tape. UNDER NO CIRCUMSTANCES SHOULD A MEMBER OF THE SERVICE ATTEMPT TO REMOVE OR DISLODGE A NEEDLE FROM A HYPODERMIC SYRINGE.*

*Members of the service will use hypo containers for the safe and proper handling of hypodermic needles, syringes, and other sharp narcotic items. Therefore, the following procedure will be complied with when invoicing hypodermic needles, syringes, and other sharp narcotics paraphernalia:*

***ADDITIONAL DATA (continued)***

*a. Utilize hypo container which comes in a plastic bag containing full instructions. Labels affixed to the hypo containers provide spaces for the invoicing member's name, date, tax registry number and command.*

*b. Invoice hypo containers on a separate **PROPERTY CLERK INVOICE** apart from other property/evidence involved in same occurrence.*

*c. Place hypo containers in serialized plastic security envelope, if involved in same occurrence.*

*d. Store invoice and plastic security envelope containing hypo containers in property locker to be forwarded to the appropriate Property Clerk facility.*

*UNDER NO CIRCUMSTANCES SHOULD A MEMBER OF THE SERVICE ATTEMPT TO REMOVE OR DISLODGE A NEEDLE FROM A HYPODERMIC SYRINGE.*

*If facts indicate hypodermic syringe/needles may bear fingerprints or other forensic evidence, it should be safeguarded until examined by the Crime Scene Unit.*

***RELATED PROCEDURES***

*Delivery of Evidence to the Police Laboratory (P.G. 218-04)*

***FORMS AND REPORTS***

***PROPERTY CLERK INVOICE (PD521-141)***
***PROPERTY CLERK INVOICE WORKSHEET (PD521-141A)***

NYPD

| Section: Property - General | | Procedure No: 218-25 | |
|---|---|---|---|
| **PROCESSING CONTROLLED SUBSTANCES/MARIJUANA CONTRABAND NOT STORED AT STATIONHOUSE** | | | |
| DATE ISSUED: 03/18/19 | DATE EFFECTIVE: 03/18/19 | REVISION NUMBER: | PAGE: 1 of 3 |

**PURPOSE** To process controlled substances/marijuana contraband weighing eight ounces or more, or too large for deposit in the command controlled substances locker, or the controlled substance Khat.

**DEFINITION** CONTROLLED SUBSTANCES CONTRABAND - Any dangerous drug or an instrument used to administer dangerous drug.

**PROCEDURE** Upon obtaining controlled substances/marijuana contraband weighing eight ounces or more, or too large for deposit in the command controlled substances locker, or the controlled substance Khat:

**UNIFORMED MEMBER OF THE SERVICE**

1. Bring contraband to command where obtained.
2. Notify the desk officer.
3. Prepare **PROPERTY CLERK INVOICE WORKSHEET (PD521-141A)**, as appropriate.

**COMMAND CLERK**

4. Enter **WORKSHEET** into the Property and Evidence Tracking System to generate a **PROPERTY CLERK INVOICE (PD521-141)**.

**UNIFORMED MEMBER OF THE SERVICE**

5. Perform the following under the supervision of the desk officer:
   a. Mark contraband for future identification
      (1) Glassine envelopes will be consecutively numbered and the total of envelopes will be noted in addition to the officer's initials, i.e., 1/10, 2/10, 3/10, etc.
   b. Request numbered Narcotics Evidence Envelope (Misc.1-71) and Plastic Security Envelope from desk officer, if contraband will fit in such envelope
   c. Place contraband in Narcotics Evidence Envelope
      (1) Seal flap by removing the plastic strips exposing the pre-applied adhesive and fold the flap over and close. Then press and hold down, ensuring seal is made across the flap.
   d. Securely wrap contraband in package and seal with tape if contraband will not fit in Narcotics Evidence Envelope.
6. Sign name, shield number, command and date across flap of Narcotic Evidence Envelope or taped area of wrapped package.

**DESK OFFICER**

7. Place sealed and signed Narcotics Evidence Envelope, if used, inside a Plastic Security Envelope.
   a. The captions on the Narcotics Evidence Envelope should be visible through the rear of the Plastic Security Envelope.
   b. The serial numbers of both envelopes are recorded on the **PROPERTY CLERK INVOICE** utilizing the "Packaging" function in Property and Evidence Tracking System.

**DESK OFFICER (continued)**

8. Create a **PROPERTY TRANSFER REPORT (PD521-1412)** utilizing the Property and Evidence Tracking System.
9. Enter serial numbers from Narcotics Evidence Envelope and Plastic Security Envelope in Command Log.
10. Have invoicing officer digitally sign **PROPERTY TRANSFER REPORT**.
11. Give following forms to invoicing member:
    a. Two "Property Clerk" copies of **INVOICE**.
    b. Two copies of **PROPERTY TRANSFER REPORT**.

**UNIFORMED MEMBER OF THE SERVICE**

12. Deliver to Police Laboratory:
    a. Controlled substances/marijuana contraband.
    b. One "Property Clerk" copy of **INVOICE**.
    c. One copy of **PROPERTY TRANSFER REPORT**.
13. Notify Police Laboratory's Evidence Control Section (ECS) supervisor if delivering the controlled substance Khat.

**POLICE LABORATORY EVIDENCE CONTROL OFFICER**

14. Compare property delivered against **PROPERTY TRANSFER REPORT** and **INVOICE** and, if accurate confirm acceptance of property utilizing the Property and Evidence Tracking System.
    a. Record laboratory number.

***ADDITIONAL DATA***

*OPERATIONAL CONSIDERATIONS*

*A member of a narcotics borough who obtains controlled substances/marijuana contraband without effecting an immediate arrest (undercover buy) will mark, seal and tag contraband in the presence of the covering field team and process it through the Police Laboratory.*

*If an undercover buy occurs and the purity of the narcotic is needed to be reported, the member of the service will use a black permanent marker and write "PURITY" on the side of the **PROPERTY CLERK INVOICE** that is attached to the evidence.*

*Members of the service are reminded that at NO time will the controlled substance Khat be placed in a command's controlled substance locker. The active ingredient in Khat quickly dissipates if not properly and expeditiously handled. Members of the service should make every reasonable attempt to keep the substance in a cool environment while transporting it to the Police Laboratory.*

*Members of the service will use hypo containers for the safe and proper handling of hypodermic needles, syringes and other sharp narcotic items. Therefore, the following procedures will be complied with when invoicing needles, syringes, and other sharp narcotics paraphernalia:*

*a. Utilize hypo container which comes in a plastic bag and follow enclosed instructions. Labels affixed to the hypo containers provide spaces for the invoicing member's name, date, tax registry number and command*

*b. Voucher hypo containers on a separate **PROPERTY CLERK INVOICE** apart from other property/evidence involved in same occurrence*

***ADDITIONAL DATA (continued)***

*c. Place hypo containers in serialized plastic security envelope, if involved in same occurrence. No other evidence,(e.g., glassine envelopes, etc.), will be placed in the same security envelope*

*d. Store **INVOICE** and plastic security envelope containing hypo containers in property locker to be forwarded to the appropriate Property Clerk facility.*

*UNDER NO CIRCUMSTANCES SHOULD A MEMBER OF THE SERVICE ATTEMPT TO REMOVE OR DISLODGE A NEEDLE FROM A HYPODERMIC SYRINGE.*

*If facts indicate hypodermic syringe/needles may bear fingerprints or other forensic evidence, it should be safeguarded until examined by the Crime Scene Unit.*

***FORMS AND REPORTS***

***PROPERTY CLERK INVOICE (PD521-141)***
***PROPERTY CLERK INVOICE WORKSHEET (PD521-141A)***
***PROPERTY TRANSFER REPORT (PD521-1412)***

NYPD

| Section: Property - General | | Procedure No: 218-26 | |
|---|---|---|---|
| **PROCESSING FOUND PROPERTY** | | | |
| DATE ISSUED: 07/01/20 | DATE EFFECTIVE: 07/01/20 | REVISION NUMBER: | PAGE: 1 of 3 |

**PURPOSE** To record and process found property.

**SCOPE** Found property valued at ten dollars or more is required to be reported to, and deposited with, the police. However, members of the service coming into possession of found property within the New York City subway system that meet certain requirements, other than United States currency, contraband or property requiring further investigation, will deliver such property to the nearest NYC Transit Station Agent for forwarding to the NYC Transit Lost Property Office.

In addition, property found in yellow medallion taxis only, will be taken by either the taxi driver or an individual specified by the taxi garage, to one of the eight commands designated as the repository for such property:

| | | | |
|---|---|---|---|
| PBMS | 017 PRECINCT | PBBN | 094 PRECINCT |
| PBMN | CENTRAL PARK PCT | PBQS | 107 PRECINCT |
| PBBX | 043 PRECINCT | PBQN | 115 PRECINCT |
| PBBS | 076 PRECINCT | PBSI | 120 PRECINCT |

**PROCEDURE** Upon coming into possession of found property:

**UNIFORMED MEMBER OF THE SERVICE**

1. Issue receipt to person delivering property, if other than a member of the service.
   a. Provide person delivering property to command with the appropriate copy of **PROPERTY CLERK INVOICE (PD521-141)** as a receipt.
   b. Provide person delivering property to member on patrol with **ACKNOWLEDGMENT OF FOUND PROPERTY (PD542-012)**, including a description of property, and signature of receiving member as a receipt.
2. Deliver found property within the New York City subway system, if other than United States currency, contraband or property requiring further investigation, to the nearest NYC Transit Station Agent for forwarding to the NYC Transit Lost Property Office.
   a. Direct or escort a person delivering found property to the nearest NYC Transit Station Agent, whenever possible.
   b. Secure a receipt from the NYC Transit Station Agent, detailing a description of the property, and give it to the person finding the property or retain receipt, if personally delivering property to NYC Transit Station Agent.
   c. Accept custody of property if it is too large to be accepted by the NYC Transit Station Agent through the revenue booth's telephone aperture.
3. Enter facts in digital **Activity Log**.
4. Notify patrol supervisor and expeditiously invoice property at command.

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

5. Prepare **PROPERTY CLERK INVOICE WORKSHEET (PD521-141A)**, as appropriate.
6. Deliver property and **WORKSHEET** to desk officer.

**COMMAND CLERK**

7. Enter reporting member's **WORKSHEET** including circumstances of the found property from the "Remarks" section, into the Property and Evidence Tracking System to generate a **PROPERTY CLERK INVOICE (PD521-141)**.

**UNIFORMED MEMBER OF THE SERVICE**

8. Digitally sign **INVOICE** verifying accuracy and completeness.

**DESK OFFICER**

9. Digitally sign **INVOICE** verifying accuracy and completeness.
10. Make Command Log entry indicating presence of member of the service with property and **INVOICE** number.
    a. Enter time and name of occupant or person in charge of premises who was notified of police custody of property, if property was delivered to command by other than occupant or person in charge of premises where property was found.
11. Have **REPORT OF UNCLAIMED PROPERTY (PD542-122)** prepared and forwarded as indicated on form.

<u>IF PROPERTY IS RETURNED TO OWNER AT COMMAND:</u>

**DESK OFFICER**

12. Require the claimant to produce valid identification, preferably photo identification. (See *P.G. 208-28, "Desk Appearance Ticket – Identification Standards,"* step "1", for examples of satisfactory forms of valid identification).
    a. Identification should include claimant's name and current address.
13. Check property/vehicle against **PROPERTY CLERK INVOICE**.
14. Request claimant examine security lead seal and/or plastic security envelope and check against number entered on **INVOICE** (if seal or envelope is used), prior to breaking seal or opening envelope.
15. Complete the "Release/Disposition – Return to Owner" function utilizing the Property and Evidence Tracking System.
    a. Have claimant sign utilizing the digital signature capture device.
16. Approve delivery of property/vehicle utilizing username and password.
17. Release property/vehicle to claimant.
18. Forward "Property Clerk" copy of **INVOICE** and photocopy of claimant's identification to the appropriate Property Clerk facility.
19. Destroy all copies of **REPORT OF UNCLAIMED PROPERTY**, if property was claimed prior to the distribution and forwarding of the **REPORT OF UNCLAIMED PROPERTY**.

**DESK OFFICER (continued)**

a. Forward first copy of **REPORT OF UNCLAIMED PROPERTY**, with disposition entered thereon, to the Stolen Property Inquiry Section, if property is returned to owner after original **REPORT OF UNCLAIMED PROPERTY** has been forwarded.

***RELATED PROCEDURE***

*Desk Appearance Ticket – Identification Standards (P.G. 208-28)*

***FORMS AND REPORTS***

***ACKNOWLEDGMENT OF FOUND PROPERTY (PD542-012)***
***PROPERTY CLERK INVOICE (PD521-141)***
***PROPERTY CLERK INVOICE WORKSHEET (PD521-141A)***
***REPORT OF UNCLAIMED PROPERTY (PD542-122)***

NYPD

| Section: Property - General | | Procedure No: 218-27 | |
|---|---|---|---|
| **FOUND PROPERTY RETAINED BY AN INTERSTATE TRANSPORTATION COMPANY, AIRLINE, BANK OR SAFE DEPOSIT COMPANY** | | | |
| DATE ISSUED: 08/01/13 | DATE EFFECTIVE: 08/01/13 | REVISION NUMBER: | PAGE: 1 of 1 |

**PURPOSE** To provide a Department record of disposition of such property.

**PROCEDURE** When notified by an interstate transportation company, airline, bank or safe deposit company that they have found and will safeguard property at their facility:

**DESK OFFICER**

1. Direct command clerk to prepare two copies of **REPORT OF UNCLAIMED PROPERTY (PD542-122)**.
   a. Indicate where property is being held under "Remarks".

**COMMAND CLERK**

2. Forward original to Stolen Property Inquiry Section.
3. File copy.
4. Forward file copy marked "Returned" to Stolen Property Inquiry Section when notice is received from company concerned that property has been returned to owner.

**COMMANDING OFFICER**

5. Direct investigation be conducted if notice of return to owner is not received within sixty days and the property has not been delivered to command.

***REPORTS AND FORMS*** ***REPORT OF UNCLAIMED PROPERTY (PD542-122)***

NYPD

**PURPOSE** To safeguard property of a deceased person who lived alone or with other than a relative or competent person, or who dies at other than his/her residence.

**DEFINITION** CO-OCCUPANT – For the purpose of this procedure, a person who has been residing, on a permanent basis, in the same premises with the deceased. A uniformed member of the service can determine if a person is a co-occupant rather than a visitor or guest by:

a. Examining documents, (e.g. licenses, credit cards, mail, etc.,) of the co-occupant that reflects that address is permanent residence.
b. Questioning other residents or neighbors who can verify that co-occupant resides thereat.
c. Examining closets, bureaus, etc., to ascertain if co-occupant has clothing and/or other possessions in the premises.
d. Examining rent receipts or similar documentation that the co-occupant produces that may establish residence.
e. Giving consideration to any other relevant factors that may establish that the co-occupant does, in fact, reside in premises.

**PROCEDURE** When a person is pronounced dead and it is necessary to search the body and premises to establish positive identification and safeguard property of the deceased.

**UNIFORMED MEMBER OF THE SERVICE**

1. Request patrol supervisor to respond and await arrival prior to conducting search of body and/or premises.

**PATROL SUPERVISOR**

2. Direct member to search body for valuables and documents concerning identity.
   a. Search at scene when practical; otherwise without delay and in all cases before being released by this Department.
      (1) A police officer (male or female) may search a dead human body.
   b. Have Harbor Unit member who removed a body from the navigable waters, search body and deliver property to a precinct member.
   c. Have member search the body of and the immediate vicinity of the deceased for any prescription medication, if the Medical Examiner directs that the deceased be transported to the Office of the Chief Medical Examiner for further examination.
3. Obtain at least one responsible civilian to witness search, when possible.
4. Ensure that identity of witness is recorded in member's digital **Activity Log**.
5. Supervise complete search of body.
6. Have all property (e.g., currency, jewelry, papers or documents, prescription medication, etc.) removed from the body, except clothing actually worn.

**PATROL SUPERVISOR (continued)**

7. Have clothing or other property required as evidence processed on separate **PROPERTY CLERK INVOICE (PD521-141**).

***NOTE***

*If the Medical Examiner directs that the deceased be transported to the Office of the Chief Medical Examiner for further examination, any prescription medication found on the body or in the immediate vicinity of the deceased will be invoiced on a separate **PROPERTY CLERK INVOICE**, whether or not the prescription medication is invoiced as evidence.*

8. Direct member conducting search at residence of deceased to examine and take custody of personal papers which may assist in positive identification. In addition, take custody of:
   a. Cash and jewelry
   b. Valuables which are readily removable
   c. Licenses, social security card and other documents of identification
   d. Wills, codicils, cemetery deeds, insurance policies, bank books, stock and bond certificates, other assets and safe deposit keys
   e. Any prescription medication found on the body or in the immediate vicinity of the deceased, if the deceased is to be transported to the Office of the Chief Medical Examiner for further examination
      (1) If the deceased lived alone, any medication not in a prescription container (e.g., daily pill box, etc.) should be invoiced
   f. Any medication not in a prescription container that a co-occupant cannot prove ownership of
   g. Other important property/documents.
9. Assign uniformed member to safeguard body and premises until body is removed by an authorized person and certify accuracy of reporting officer's digital **Activity Log** entries by signing rank and name.
10. Enter pertinent facts in digital **Activity Log.**

**UNIFORMED MEMBER CONCERNED**

11. Enter details in digital **Activity Log**, including complete list of property removed.
12. Deliver following items to desk officer:
    a. All property
    b. Key to premises (including key to police lock if one was used)
    c. **PROPERTY CLERK INVOICE WORKSHEET (PD521-141A)** containing itemized list of property, including key to premises.
       (1) Note on **WORKSHEET** if key to premises was given to a member of the service to guard body, if applicable.

**DESK OFFICER**

13. Check property against **PROPERTY CLERK INVOICE WORKSHEET**.
14. Ascertain that key to premises is itemized on the **WORKSHEET**.
    a. Indicate why, if not entered.

**DESK OFFICER (continued)**

b. Ensure key to premises given to member of the service is delivered to Property Clerk Division with other property of deceased, if applicable.

15. Make Command Log entry of circumstances concerning property.
16. Instruct command clerk to enter **WORKSHEET** into the Property and Evidence Tracking System to generate a **PROPERTY CLERK INVOICE**.
17. Give "Invoicing Officer" copy of **INVOICE** to member delivering property to stationhouse.
18. Forward property of deceased with "Property Clerk" copy of **INVOICE** to appropriate Property Clerk facility without delay.
19. Request Operations Unit to notify the Public Administrator concerned that:
    a. Deceased has no known next of kin, OR
    b. Next of kin cannot be notified.
20. Have **SEAL FOR DOOR OF D.O.A. PREMISES (PD517-120)** prepared.
    a. DO NOT seal door if it is determined that a co-occupant resided in the premises with the deceased.
21. Direct that **SEAL FOR DOOR OF D.O.A. PREMISES** be pasted across door and doorjamb of premises after body is removed, if appropriate.

**MEMBER SAFEGUARDING BODY/ PREMISES**

22. Remain with body until it is removed by morgue personnel or authorized undertaker.
23. Obtain receipt on **IDENTIFICATION TAG (PD317-091)**.
24. Secure premises when leaving and paste **SEAL FOR DOOR OF D.O.A. PREMISES** across door and door jamb, if appropriate.
25. Deliver key for premises and receipt for body to desk officer.

**DESK OFFICER**

26. Permit person to enter premises to obtain clothing to bury the deceased, if the deceased lived alone and the door has been sealed.
    a. Direct a uniformed member to accompany person and replace the **SEAL FOR DOOR OF D.O.A. PREMISES** with a new seal.

<u>PROPERTY NOT YET FORWARDED TO THE PROPERTY CLERK DIVISION AND REPRESENTATIVE OF THE PUBLIC ADMINISTRATOR IS PRESENT.</u>

**DESK OFFICER**

27. Request representative of the Public Administrator to produce valid identification.
    a. Photocopy identification.
28. Check property/vehicle against **PROPERTY CLERK INVOICE**.
29. Request claimant examine security lead seal and/or Plastic Security Envelope and check against number entered on **INVOICE** (if seal or envelope is used), prior to breaking seal or opening envelope.
30. Complete the "Release/Disposition – Return to Owner" function utilizing the Property and Evidence Tracking System.
    a. Have claimant sign utilizing the digital signature capture device.

**DESK OFFICER (continued)**

31. Approve delivery of property/vehicle utilizing username and password.
32. Issue property, print and give "Prisoner/Finder/Owner" copy of **INVOICE** to representative of the Public Administrator.
33. Forward "Property Clerk" copy of **INVOICE** and photocopy of the Public Administrator identification to appropriate Property Clerk facility.
34. Refer person seeking release of decedent's property to Surrogate's Court of county where deceased lived and give such persons **PROPERTY CLERK INVOICE** number and location and telephone number of the borough office of the Property Clerk Division.
    a. Inform person that if deceased was not a resident of New York State, the Surrogate's Court of the county in which the property is located has jurisdiction over the release of the descendant's property.

***ADDITIONAL DATA***

*OPERATIONAL CONSIDERATIONS*

*When an aided person is pronounced dead at a hospital, the assigned member will witness the search of the deceased by hospital authorities, record property removed in digital **Activity Log** and sign hospital property record as witness.*

***FORMS AND REPORTS***

***PROPERTY CLERK INVOICE (PD521-141)***
***PROPERTY CLERK INVOICE WORKSHEET (PD521-141A)***
***IDENTIFICATION TAG (PD317-091)***
***SEAL FOR DOOR OF D.O.A. PREMISES (PD517-120)***

NYPD

# PATROL GUIDE

| Section: Property - General | | Procedure No: 218-29 | |
|---|---|---|---|
| **INVOICING PROPERTY REMOVED FROM PAROLEE** | | | |
| DATE ISSUED: 03/29/17 | DATE EFFECTIVE: 03/29/17 | REVISION NUMBER: | PAGE: 1 of 1 |

**PURPOSE** To invoice and safeguard property removed from a parolee by an officer of New York State Department of Corrections and Community Supervision (DOCCS) in non-arrest situations.

**PROCEDURE** When an officer of the New York State Department of Corrections and Community Supervision (DOCCS) delivers property removed from a parolee in non-arrest situations:

**DESK OFFICER**

1. Ascertain if property was obtained within the confines of the precinct.
   a. Direct parole officer to deliver property to the precinct concerned, if property was obtained within another precinct.
2. Have the parole officer prepare **PROPERTY CLERK INVOICE WORKSHEET (PD521-141A)**.
3. Direct the command clerk to enter parole officer's **WORKSHEET** into the Property and Evidence Tracking System to generate a **PROPERTY CLERK INVOICE (PD521-141)**.
4. Comply with *P.G. 218-01, "Invoicing Property – General Procedure."*
5. Print and give "Invoicing Officer" copy of **PROPERTY CLERK INVOICE** to the parole officer.

***RELATED PROCEDURE*** *Invoicing Property – General Procedure (P.G. 218-01)*

***FORMS AND REPORTS*** ***PROPERTY CLERK INVOICE WORKSHEET (PD521-141A)***
***PROPERTY CLERK INVOICE (PD521-141)***

NYPD

| Section: Property - General | | Procedure No: 218-30 | |
|---|---|---|---|
| **INVOICING PROPERTY TAKEN FROM A PERSON'S POSSESSION** | | | |
| DATE ISSUED: 09/24/18 | DATE EFFECTIVE: 09/24/18 | REVISION NUMBER: | PAGE: 1 of 2 |

**PURPOSE** To ensure that persons from whose possession property has been taken by the Department are afforded ample notice as to the necessary steps to reclaim property or to circumstances under which the property may not be returned.

**DEFINITION** CONTRABAND - Means property, the mere possession of which is prohibited under federal, state or local law. Property shall not be deemed to be contraband merely because it may be suspected or is believed to be unlawfully obtained, stolen, or the proceeds or instrumentality of a crime.

**PROCEDURE** When non-contraband property is removed from the person or possession of any individual, and taken into police custody for any reason:

**INVOICING MEMBER**

1. Prepare **PROPERTY CLERK INVOICE WORKSHEET (PD521-141A)** for items removed.
   a. DO NOT enter complainant information on **WORKSHEET**.
2. Inform the person that he or she may examine the **WORKSHEET** for accuracy as to the property listed.
3. Complete **WORKSHEET** by entering the complainant information after person has examined **WORKSHEET** for accuracy.
4. Inform the person that he or she is entitled to a copy of **PROPERTY CLERK INVOICE (PD521-141)**.
   a. Ask person if he or she will accept copy of **INVOICE**.
   b. Make appropriate selection for acceptance or refusal while entering **WORKSHEET** into the Property and Evidence Tracking System.
5. Inform the person that if additional property was taken or if the property was erroneously invoiced, this fact may be indicated in the "Remarks" section of the **PROPERTY CLERK INVOICE**.
6. Indicate in the "Remarks" section of the **PROPERTY CLERK INVOICE** concurrence or disagreement with the person's statement as it relates to the itemized list of property.
7. Give the "Prisoner/Finder/Owner" copy of the **PROPERTY CLERK INVOICE** to the person regardless of whether the property has been denominated "Arrest Evidence" or otherwise, and regardless of whether it relates to an arrest occurring prior to, simultaneous with, or subsequent to the taking of the property.
8. Provide the person with a copy of the Department form, entitled **NOTICE TO PERSONS FROM WHOM PROPERTY HAS BEEN REMOVED BY THE POLICE DEPARTMENT (PD521-124)**, in addition to the "Prisoner/Finder/Owner" copy of the **PROPERTY CLERK INVOICE**.
9. Provide the person with **VEHICLE SEIZURE FORM (PD571-1218)** if a vehicle is involved.

**DESK OFFICER**

10. Ensure that the invoicing officer has complied with the above provisions.
11. Make a Command Log entry specifying that the person received the "Prisoner/Finder/Owner" copy of **PROPERTY CLERK INVOICE**, copy of **NOTICE TO PERSONS FROM WHOM PROPERTY HAS BEEN REMOVED BY THE POLICE DEPARTMENT** and, if applicable, copy of **VEHICLE SEIZURE FORM**.
    a. Indicate in Command Log if any documents were refused, specifying the circumstances of refusal.

***NOTE***

*The "Prisoner/Finder/Owner" copy of **PROPERTY CLERK INVOICE(S)** prepared for any property (other than contraband) removed from an arrestee MUST be given to the arrestee prior to transporting to court section.*

12. Offer a copy of the **NOTICE TO PERSONS FROM WHOM PROPERTY HAS BEEN REMOVED BY THE POLICE DEPARTMENT** to any person requesting information about property in the possession (or possibly in the possession) of the Property Clerk.

**PROPERTY CLERK DIVISION MEMBER**

13. Offer a copy of the **NOTICE TO PERSONS FROM WHOM PROPERTY HAS BEEN REMOVED BY THE POLICE DEPARTMENT** to any person appearing at a Property Clerk Division facility requesting information about property in the possession (or possibly in the possession) of the Property Clerk.

***ADDITIONAL DATA***

*LEGAL CONSIDERATIONS*

*These provisions are the result of statute and court order. Noncompliance with this procedure could be in conflict with the law or place the Department in contempt of court. Additionally, failure to serve **VEHICLE SEIZURE FORM** may result in the inability to prosecute forfeiture cases.*

***FORMS AND REPORTS***

***PROPERTY CLERK INVOICE WORKSHEET (PD521-141A)***
***PROPERTY CLERK INVOICE (PD521-141)***
***NOTICE TO PERSONS FROM WHOM PROPERTY HAS BEEN REMOVED BY THE POLICE DEPARTMENT (PD521-124)***
***VEHICLE SEIZURE FORM (PD571-1218)***

**PURPOSE** To process and safeguard computer related evidence coming into the custody of this Department.

**DEFINITIONS** CENTRAL PROCESSING UNIT (CPU) - A box shaped unit that houses the computer's internal hard drive, memory and central processor, commonly referred to as the "brains" of the computer. The CPU processes all of the work done by the computer, and usually is the terminus for all associated cables. The CPU generally has a numeric descriptor (i.e., 386, 486, Pentium, etc.), which represents the computing power of the unit.

MONITOR - The television type instrument on which the operations and output of the computer are displayed.

KEYBOARD - An input device resembling a typewriter.

MOUSE - A pointing device, which is also used to control the actions of the computer. It is connected to the CPU by way of a cable, and because of its shape and "tail," is commonly referred to as a "mouse."

PRINTER - Another output device that will print, similar to a typewriter, pages from the CPU. Many different types of printers exist, including dot matrix, ink-jet, and laser printers.

PERIPHERALS - There are other types of devices, which can be connected to a computer, for example, scanners, tape drives, modems, speakers, sound cards, etc. In addition, there are other types of electronic equipment that can store valuable evidentiary information. These include personal digital assistants, pocket organizers, and lap top computers.

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

**PROCEDURE** Whenever a uniformed member of the service seizes, or expects to seize, evidence consisting of a computer used to commit a crime, or the computer is suspected of being a device that stores evidence.

**UNIFORMED MEMBER OF THE SERVICE**

1. Notify the Computer Crimes Squad between 0600 and 2000 hours, Monday through Friday.
   a. At all other times, contact the Office of the Chief of Detectives.

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

2. Collect all relevant evidence.
3. Properly mark all computer evidence.
   a. Affix identifiable mark to hardware (i.e., monitor, CPUs, printers, etc.).
   b. Label items to indicate which peripherals were connected together (i.e., Monitor 1, CPU 1, Keyboard 1), and tag all wires indicating which peripheral they were attached to and their terminus.
   c. Count and package similar floppy disks (i.e., 3.5", 5.25", tapes, etc.) in paper envelopes and have them itemized on **PROPERTY CLERK INVOICE (PD521-141)**. However, do not remove any floppy disks, compact disks, or any other such items from computer's disk drives. These items will be secured in the drives by affixing a strip of masking tape across the drive's opening. The invoicing officer will initial the masking tape. The "Remarks" section of the **INVOICE** will contain a statement concerning the presence or absence of a disk in any of the computer's drives.
      (1) Plastic Security Envelopes should NOT be used to package floppy disks because they can cause a discharge of static electricity, which can destroy data on the disk. In addition, DO NOT write on floppy disks using ballpoint pens because doing so can result in the destruction of data. Utilize labels or felt tip markers.
4. Invoice computers, floppy disks and related peripherals, which are to be delivered to the Computer Crimes Squad for examination, separately from other property being invoiced.
   a. Non-computer items are to be processed in conformance with existing Department guidelines.
5. Deliver "Property Clerk" copy of **INVOICE** with computer evidence to the Computer Crimes Squad.
   a. Distribute remaining copies of **INVOICE** as per instructions in the Property and Evidence Tracking System.
6. Attach copy of search warrant to **INVOICES** being delivered to the Computer Crimes Squad, if applicable.
7. Prepare **REQUEST FOR LABORATORY EXAMINATION REPORT (PD521-168)** utilizing the Property and Evidence Tracking System.
   a. Complete all captions, and include under "Remarks:"
      (1) A clear description of incident
      (2) What crime is alleged
      (3) Where the evidence was seized from
      (4) What part the computer played in the offense charged
      (5) What type of information is being sought from the Computer Crimes Squad relative to the forensic examination of evidence.
8. Sign **REQUEST FOR LABORATORY EXAMINATION REPORT** by utilizing user name and password, and insert a "CITU" Forensic Laboratory Number utilizing the "Update" function in the Property and Evidence Tracking System.

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

a. Type "Delivered to the Computer Crimes Squad" under caption "Laboratory Use Only".

b. File one copy with completed forensic report and file one copy with property.

9. Utilize Property and Evidence Tracking System to create **PROPERTY TRANSFER REPORT (PD521-1412)**.

10. Present **PROPERTY TRANSFER REPORT** when delivering computer evidence to the Computer Crimes Squad.

**MEMBER ASSIGNED/ COMPUTER CRIMES SQUAD**

11. Compare property delivered against **PROPERTY TRANSFER REPORT** and **INVOICE** and, if accurate confirm acceptance of property in the Property and Evidence Tracking System.

12. Forward copy of forensic report to submitting officer, upon completion of forensic examination.

13. Arrange for the delivery of property to the Property Clerk upon completion of the forensic examination, utilizing the **PROPERTY TRANSFER REPORT**.

***ADDITIONAL DATA***

*OPERATIONAL CONSIDERATIONS*

*Members of the service will not search any hard drives, floppy disks, CD-ROMS or other data storage devices. These items will be examined only by members assigned to the Computer Crimes Squad. Members of the service should be aware that searching directories, or perusing the computer's hard drive, may inadvertently alter or destroy important evidence.*

*The computer, recovered at a crime scene, may be a valuable source of evidence. To protect the evidence, and to ensure that the information retrieved from the computer can be introduced in court, the following guidelines must be followed:*

- *Safeguard the computer's evidence; do not touch the keyboard, or search the hard drive, or execute any of the programs at the scene.*
- *If a modem or other telecommunications device is attached to the computer, unplug the telephone cord from the wall jack immediately to prevent access to the computer and possible destruction of evidence.*
- *If you must power the system off, do not use the on/off switch. Unplug the computer from the wall outlet only. Prior to removing the plug from the outlet, photograph the monitor screen.*
- *When transporting, be aware that data, stored on computers and floppy disks, is extremely sensitive and can be easily damaged. Package these items carefully to avoid inadvertent damage.*
- *Do not write on floppy disks with ballpoint pens. Use labels or felt tip markers.*
- *Do not place floppy disks in plastic security envelopes. This could cause a discharge of static electricity and damage the data on the disk.*

***ADDITIONAL DATA (continued)***

- *Keep disks and peripherals away from extreme heat and/or changes in temperature.*
- *Do not transport computer evidence in department vehicle trunks which are equipped with radio transceivers.*
- *Do not expose computer evidence to any device that emits a magnetic field (i.e., portable radios, car radio, speakers, etc.).*
- *Members of service with questions concerning the seizing, packaging or transporting of computer related evidence may contact the Computer Crimes Squad from 0600 to 2000 hours, Monday through Friday or the Office of the Chief of Detectives.*

***FORMS AND REPORTS***

***PROPERTY TRANSFER REPORT (PD521-1412)***
***PROPERTY CLERK INVOICE (PD521-141)***
***REQUEST FOR LABORATORY EXAMINATION REPORT (PD521-168)***

NYPD

| Section: Property - General | | Procedure No: 218-32 | |
|---|---|---|---|
| **PROCESSING ALCOHOL SEIZED IN ABC LAW VIOLATIONS** | | | |
| DATE ISSUED: 10/01/18 | DATE EFFECTIVE: 10/01/18 | REVISION NUMBER: | PAGE: 1 of 3 |

**PURPOSE** To process alcohol seized as evidence in Alcohol Beverage Control (ABC) Law violations.

**PROCEDURE** When alcohol is seized as evidence in ABC Law violations:

**UNIFORMED MEMBER OF THE SERVICE**

1. Take photograph of entire seizure at time and place of occurrence.
2. Deliver alcohol seized to precinct of occurrence.
3. Mark on the rear of photograph taken of seizure using a rubber stamp, if available:
   a. Date, place of seizure, and precinct of occurrence
   b. Defendant's name and arrest number
   c. **PROPERTY CLERK INVOICE** number and number(s) of any related **PROPERTY CLERK INVOICES**
   d. Identity and signature of member who took photograph.
4. Select a representative sample from the seizure, preferably a sealed bottle, for analysis.
   a. Only one sample is required regardless of the quantity of bottles, etc., seized.
5. Prepare **PROPERTY CLERK INVOICE WORKSHEET** and **REQUEST FOR LABORATORY EXAMINATION REPORT (PD521-168)** for sample(s) to be analyzed.
   a. List photograph of seizure as an "Item" on **WORKSHEET** that lists representative sample(s).
6. Prepare a separate **PROPERTY CLERK INVOICE WORKSHEET** for the remainder of the seizure and make a notation on **WORKSHEET** to read: "Delivered for Destruction."
   a. Cross-reference both **WORKSHEETS** prepared.

**DESK OFFICER**

7. Review **PROPERTY CLERK INVOICE WORKSHEET(S)** prepared to ensure accuracy of seizure.
   a. Ensure photograph has been properly marked as per step "3."
8. Direct the entering of the **PROPERTY CLERK INVOICE WORKSHEET** and **REQUEST FOR LABORATORY EXAMINATION REPORT** (if prepared) into Property and Evidence Tracking System to generate a **PROPERTY CLERK INVOICE (PD521-141)**.
9. Attach two copies of **PROPERTY CLERK INVOICE** and two copies of **REQUEST FOR LABORATORY EXAMINATION REPORT** to evidence and place in command property locker.
10. Make arrangements for the delivery of evidence to the borough Property Clerk Office.

WHEN NOTIFIED THAT CHEMICAL ANALYSIS IS REQUIRED FOR COURT:

**UNIFORMED MEMBER OF THE SERVICE**

11. Notify the desk officer, command of occurrence, immediately and provide the following information:
    a. **PROPERTY CLERK INVOICE** number
    b. Date of seizure
    c. Date of next court appearance.

**DESK OFFICER**

12. Immediately notify the Police Laboratory that a chemical analysis is required.
    a. Enter identity of person notified in the Telephone Record.

**COMMANDING OFFICER, POLICE LABORATORY**

13. Direct messenger to pickup alcohol evidence at the borough Property Clerk Office concerned.
14. Have evidence analyzed and a **POLICE LABORATORY ANALYSIS REPORT (PD521-151)** prepared and delivered to court concerned.

***ADDITIONAL DATA***

*OPERATIONAL CONSIDERATIONS*

*The Deputy Commissioner, Legal Matters has authorized members of the Property Clerk Division to destroy seized alcoholic beverages prior to final dispositions of related criminal actions. However, to satisfy legal requirements, uniformed members of the service must retain a representative sample of each seizure in addition to taking a photograph of all seized alcoholic beverages at time and place of occurrence.*

*Alcohol seized as evidence WILL ONLY be forwarded to the Police Laboratory for chemical analysis when required for court presentation.*

*The Police Laboratory requires a minimum of three days to analyze alcohol and prepare a report.*

*This procedure does not apply to:*

*a. Alcoholic beverages seized from peddlers within the purview of the Office of Administrative Trials and Hearings - comply with provisions of P.G. 209-12, "Personal Service of Civil Summons Returnable to the Office of Administrative Trials and Hearings (OATH) - General Procedure - Non-CJRA Offenses."*

*b. Sale of Alcoholic Beverages During Prohibited Hours - i.e., actual alcoholic drink served - comply with P.G. 209-16, "Service of a Summons - Special Procedures."*

*Members are reminded that a **PROPERTY CLERK INVOICE** will not exceed twenty line items if the **INVOICE** is being sent or has the potential to be sent to the Police Laboratory for laboratory analysis.*

***RELATED PROCEDURES***

*Arrest of Juvenile Unlawfully in Certain Licensed Premises (P.G. 215-11)*
*Invoicing Property - General Procedure (P.G. 218-01)*
*Police Action in Premises (Licensed or Unlicensed) Where Alcoholic Beverages are Sold (P.G. 214-34)*
*Personal Service of Civil Summons Returnable to the Office of Administrative Trials and Hearings (OATH) - General Procedure - Non-CJRA Offenses (P.G. 209-12)*
*Service of a Summons - Special Procedures (P.G. 209-16)*

| | |
|---|---|
| ***FORMS AND REPORTS*** | ***POLICE LABORATORY ANALYSIS REPORT (PD521-151)***<br>***PROPERTY CLERK INVOICE (PD521-141)***<br>***PROPERTY CLERK INVOICE WORKSHEET (PD521-141A)***<br>***REQUEST FOR LABORATORY EXAMINATION REPORT (PD521-168)*** |

NYPD

| Section: Property - General | | Procedure No: 218-33 | |
|---|---|---|---|
| **PROCESSING SEXUAL OFFENSE COLLECTION KITS IN SEX OFFENSE CASES** | | | |
| DATE ISSUED: 08/01/13 | DATE EFFECTIVE: 08/01/13 | REVISION NUMBER: | PAGE: 1 of 3 |

**PURPOSE** To ensure that sexual offense evidence collection kits and other sexual offense evidence are properly forwarded to the Evidence Unit of the Office of the Chief Medical Examiner or the Property Clerk for processing.

**DEFINITIONS** SEXUAL OFFENSE - for the purpose of this procedure, a sexual offense will be one of the following New York State Penal Law crimes:

a. Rape
b. Criminal Sexual Act
c. Aggravated Sexual Abuse
d. Sexual Abuse
e. Sexual Misconduct.

SEXUAL OFFENSE EVIDENCE COLLECTION KIT - a kit used by physicians in hospitals to gather evidence from a victim of a sex offense. The kit is used to standardize the collection and processing of evidence in sex crime cases. The kit contains slides, swabs, test tubes and envelopes to collect evidence.

DRUG FACILITATED SEXUAL ASSAULT BLOOD AND URINE SPECIMEN COLLECTION KIT – a kit used to gather evidence from a victim of a sex offense when it is suspected that the victim was drugged. The kit is composed of two gray-topped blood tubes and a urine container for the collection of specimens.

SEXUAL OFFENSE EVIDENCE - (not including the sexual offense evidence collection kit or drug facilitated sexual assault blood and urine specimen collection kit) is defined for this procedure as being bloodstains, serology, body fluids and/or other biological evidence (e.g., clothing, bedding, undergarments, etc.) to be analyzed for the purpose of obtaining a DNA profile.

**PROCEDURE** Upon arrival at the scene of a reported sexual offense:

**UNIFORMED MEMBER OF THE SERVICE**

1. Remove victim to the appropriate hospital as per existing Department procedures.
2. Take possession of the Sexual Offense Evidence Collection Kit and/or the Drug Facilitated Sexual Assault Blood and Urine Specimen Collection Kit, if used, and all other sexual offense evidence (e.g., clothing, undergarments, etc.) upon completion of medical examination by attending medical personnel.
   a. Take possession of any other evidence-gathering container used by hospital personnel, if a Sexual Offense Evidence Collection Kit is unavailable. Process the evidence-gathering container in accordance with this procedure.

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

3. Ensure that attending physician's and complainant's names are entered in the appropriate caption on the top of the Sexual Offense Evidence Collection Kit, and sign for evidence in the appropriate caption.
   a. When the Sexual Offense Evidence Collection Kit is sealed by hospital personnel, THE SEAL SHALL NOT BE BROKEN by a member of this Department EXCEPT authorized personnel.
4. Remove evidence to the precinct of occurrence and prepare **COMPLAINT REPORT WORKSHEET (PD313-152A)** and **PROPERTY CLERK INVOICE WORKSHEET (PD521-141A)**.

**DESK OFFICER**

5. Direct the preparation of **PROPERTY CLERK INVOICE(S) (PD521-141)** utilizing the Property and Evidence Tracking System based on **WORKSHEET(S)** provided.
   a. An individual **PROPERTY CLERK INVOICE** will be prepared for the Sexual Offense Evidence Collection Kit. A separate **PROPERTY CLERK INVOICE** will be prepared for any other sexual offense evidence.
6. Direct the preparation of a **REQUEST FOR LABORATORY EXAMINATION REPORT (PD521-168)** utilizing the Property and Evidence Tracking System.
7. Direct the preparation of a **COMPLAINT REPORT (PD313-152)**.
8. Ensure that the **INVOICE** and **COMPLAINT REPORT** numbers, and arrest numbers, if any, are entered on the cover of the Sexual Offense Evidence Collection Kit.
9. Direct the delivery of the Sexual Offense Evidence Collection Kit(s), and a copy of the **COMPLAINT REPORT**, to the Police Laboratory.
10. Direct the delivery of other sexual offense evidence, EXCEPT FIREARMS, **IMMEDIATELY** to the Property Clerk, if a Sexual Offense Evidence Collection Kit or evidence gathering container was used at the hospital AND there is other sexual offense evidence.
11. Direct the delivery of other sexual offense evidence, EXCEPT FIREARMS, and a copy of the **COMPLAINT REPORT**, to the Police Laboratory, in all sexual offense cases, if no Sexual Offense Evidence Collection Kit or evidence gathering container was used at the hospital.
12. Comply with *P.G. 218-49, "Immediate Delivery of DNA Evidence to the Police Laboratory and the Office of Chief Medical Examiner"* when Sexual Offense Evidence Collection Kits(s) or any other sexual offense evidence is associated with a "high priority" case.
13. Follow procedures outlined in *P.G. 218-23, "Processing Firearms and Firearm-Related Evidence,"* if the other sexual offense evidence is a firearm.

**ASSIGNED INVESTIGATOR**

14. Immediately notify the NYPD OCME Liaison Unit of all unfounded cases.

DRAFT

***ADDITIONAL DATA***

*OPERATIONAL CONSIDERATIONS*

*There is no medical or legal reason for a uniformed member of the service, male or female, to be present in the examining room during the medical examination or evidence collection procedure. Maintenance of the chain of custody of the evidence during the examination is the sole responsibility of attending medical personnel.*

*If the sexual offense occurred within the previous seventy-two hours, a Sexual Offense Evidence Collection Kit should be used. Not all hospitals may use Sexual Offense Evidence Collection Kits. In such cases, take possession of any other evidence gathering container used and process in accordance with this procedure.*

*A Drug Facilitated Sexual Assault Blood and Urine Specimen Collection Kit will be utilized for the collection of blood and urine when it is suspected that the victim of a sexual assault was drugged. This kit is separate from the Sexual Offense Evidence Collection Kit. The kit is composed of two gray-topped blood tubes and a urine container for the collection of specimens, and must be vouchered, on a separate* ***PROPERTY CLERK INVOICE****, with a separate* ***REQUEST FOR LABORATORY EXAMINATION REPORT*** *(for toxicology). If a UMOS suspects a drug facilitated sexual assault based on victim or witness statements or other evidence, inform hospital personnel and request that a kit be used. Hospital personnel will collect the blood and urine for the kit when it is suspected that it is drug facilitated, within 96 hours of when the victim last remembers having a drink. The blood and urine collected in these kits will degenerate after 24 hours, so immediate delivery to the Police Laboratory and the Office of the Chief Medical Examiner, Evidence Unit is imperative.*

*Members will ensure a copy of the* ***COMPLAINT REPORT*** *is sent to the Police Laboratory with a Sexual Offense Evidence Collection Kit or any other sexual offense evidence. The Police Laboratory will not accept a Sexual Offense Evidence Collection Kit or any other sexual offense evidence without a copy of the* ***COMPLAINT REPORT****.*

*Members are reminded that a* ***PROPERTY CLERK INVOICE*** *will not exceed twenty line items if the* ***INVOICE*** *is being sent or has the potential to be sent to the Police Laboratory for laboratory analysis.*

***RELATED PROCEDURES***

*Processing Firearms and Firearm-Related Evidence (P.G. 218-23)*
*Immediate Delivery of DNA Evidence to the Police Laboratory and the Office of Chief Medical Examiner (P.G. 218-49)*

***FORMS AND REPORTS***

***COMPLAINT REPORT WORKSHEET (PD313-152A)***
***COMPLAINT REPORT (PD313-152)***
***PROPERTY CLERK INVOICE WORKSHEET (PD521-141A)***
***PROPERTY CLERK INVOICE (PD521-141)***
***REQUEST FOR LABORATORY EXAMINATION REPORT (PD521-168)***

# PATROL GUIDE

| Section: Property - General | | Procedure No: 218-34 | |
|---|---|---|---|
| **PROPERTY OF THE DIVISION OF THE LOTTERY** | | | |
| DATE ISSUED: 07/01/20 | DATE EFFECTIVE: 07/01/20 | REVISION NUMBER: | PAGE: 1 of 1 |

**PURPOSE** To safeguard and return property belonging to the Division of the Lottery.

**DEFINITION** PROPERTY OF THE DIVISION OF LOTTERY - includes tickets, deposit boxes, licenses and lottery proceeds.

**PROCEDURE** Upon obtaining property belonging to the Division of the Lottery:

**UNIFORMED MEMBER OF THE SERVICE**

1. Enter facts in digital **Activity Log**.
2. Deliver property to desk officer.

**DESK OFFICER**

3. Notify New York State Tax Office of recovery.
   a. Notify New York State Tax Office at 0900 hours the next business day, if property is recovered during off-business hours.
4. Ensure property is invoiced for "Safekeeping" as per *P.G. 218-01, "Invoicing Property – General Procedure."*
5. Safeguard property in command until property is picked up by a Division of the Lottery representative.
   a. DO NOT forward property to Property Clerk Division.
6. Verify identity of Division of the Lottery representative claiming property.
7. Complete the "Release/Disposition – Return to Owner" function utilizing the Property and Evidence Tracking System.
   a. Have a claimant sign utilizing the digital signature capture device.
8. Deliver property and "Prisoner/Finder/Owner" copy of **INVOICE** to representative.

**COMMAND CLERK**

9. Forward "Property Clerk" copy of **INVOICE** and photocopy of Division of Lottery representative's identification to the appropriate Property Clerk facility.

***RELATED PROCEDURE*** *Invoicing Property – General Procedure (P.G. 218-01)*

***FORMS AND REPORTS*** ***PROPERTY CLERK INVOICE (PD521-141)***

NYPD

**PURPOSE** To record, process and safeguard currency required as evidence.

**DEFINITION** NUMISMATIC/SENTIMENTAL VALUE - includes all gold coins, all U.S. silver coins bearing date of 1964 or prior and extremely old bills. In addition, when determining numismatic/sentimental value, members should be guided by the circumstances under which the currency was found (e.g., location, type of packaging, special markings, encased in frames or books, etc.). If doubt exists, such currency will be deemed to have numismatic/sentimental value. Currency with numismatic/sentimental value will not be deposited in a bank.

**PROCEDURE** When currency required as evidence is seized:

**UNIFORMED MEMBER OF THE SERVICE**

1. Inform desk officer of details.
2. Count currency in presence of desk officer.

**DESK OFFICER**

3. Ensure currency is marked with evidence stamp labeled, "Evidence - Notify N.Y.C. Police Department Property Clerk Division" except for the following:
   a. Currency with numismatic or sentimental value
   b. Currency that must remain unaltered (treated with dye, fluorescent powder, or marked)
   c. Foreign currency
   d. Blood stained currency.

**UNIFORMED MEMBER OF THE SERVICE**

4. Perform the following under the supervision of the desk officer:
   a. Stamp and initial face of each bill as directed by desk officer
   b. Prepare **PROPERTY CLERK INVOICE WORKSHEET (PD521-141A)**.
      (1) If currency is marked with evidence stamp, list each denomination as separate item and indicate quantity of each denomination
      (2) List each denomination of UNSTAMPED bills and respective serial number as separate item and indicate quantity of each item
      (3) Verify amount listed on **PROPERTY CLERK INVOICE WORKSHEET**, insert currency in serially numbered/bar-coded Plastic Security Envelope and seal.
5. Enter facts in digital **Activity Log**.
6. Deliver currency and **PROPERTY CLERK INVOICE WORKSHEET** to desk officer.

**DESK OFFICER**

7. Check accuracy of **PROPERTY CLERK INVOICE WORKSHEET**.
8. Ensure **PROPERTY CLERK INVOICE WORKSHEET** is entered into the Property and Evidence Tracking System to generate **PROPERTY CLERK INVOICE (PD521-141)**.
9. Digitally sign **PROPERTY CLERK INVOICE** verifying accuracy and completeness.
10. Have "Invoicing Officer" copy of **PROPERTY CLERK INVOICE** printed and deliver to invoicing officer as receipt.
11. Safeguard currency pending delivery to Property Clerk.

***ADDITIONAL DATA***

*OPERATIONAL CONSIDERATIONS*

*If the currency being invoiced is not stamped by arresting/assigned officer, the name and rank of officer stamping bills will be entered under the "Remarks" section.*

*Currency will be perforated ONLY by Property Clerk personnel at Property Clerk facilities.*

*Stamped or perforated currency will NEVER be returned to a claimant or deposited in the Property Clerk's account in any bank under any circumstances. This currency will be forwarded to the Property Clerk, who will arrange for reimbursement of the claimant.*

*In instances when currency is to be delivered to the Police Laboratory, the currency should be placed in a manila envelope and sealed in a normal manner. In addition, the invoicing officer will sign name, shield number, command and date across seal.*

*Mutilated currency (marked with fluorescent powder, treated with dye, blood stained, etc.) will be placed in a plastic security envelope marked "MUTILATED CURRENCY – CONTAINS STAINED MATERIAL – USE CARE IN HANDLING." Such currency will be forwarded to the Property Clerk for redemption.*

*a. Should there be a need for laboratory analysis, then the currency should be placed in a manila envelope, sealed in a normal manner and marked "MUTILATED CURRENCY – CONTAINS STAINED MATERIAL – USE CARE IN HANDLING." In addition, the invoicing officer will sign name, shield number, command and date across seal.*

***RELATED PROCEDURES***

*Invoicing Property – General Procedure (P.G. 218-01)*
*Processing Non-Evidence Currency (P.G. 218-36)*

***FORMS AND REPORTS***

***PROPERTY CLERK INVOICE (PD521-141)***
***PROPERTY CLERK INVOICE WORKSHEET (PD521-141A)***

**PURPOSE** To process currency not required as evidence.

**DEFINITION** NUMISMATIC/SENTIMENTAL VALUE - includes all gold coins, all U.S. silver coins bearing date of 1964 or prior and extremely old bills. In addition, when determining numismatic/sentimental value, members should be guided by the circumstances under which the currency was found (e.g., location, type of packaging, special markings, encased in frames or books, etc.). If doubt exists, such currency will be deemed to have numismatic/sentimental value. Currency with numismatic/sentimental value will not be deposited in a bank.

**PROCEDURE** When non-evidence currency (e.g., property of DOA or found property), that does not have numismatic/sentimental value, comes into the possession of a uniformed member of the service:

**UNIFORMED MEMBER OF THE SERVICE**

1. Prepare **PROPERTY CLERK INVOICE WORKSHEET (PD521-141A)**, as appropriate.
2. Make entry in digital **Activity Log**.
3. Deliver **PROPERTY CLERK INVOICE WORKSHEET** and currency to desk officer.

**DESK OFFICER**

4. Verify accuracy and completeness of **PROPERTY CLERK INVOICE WORKSHEET**.
5. Ensure **PROPERTY CLERK INVOICE WORKSHEET** is entered into the Property and Evidence Tracking System to generate a **PROPERTY CLERK INVOICE (PD521-141)**.
   a. Enter **PROPERTY CLERK INVOICE** number and plastic deposit bag serial number on all copies of deposit slip.
6. Prepare and sign deposit slip.
7. Direct invoicing officer to place currency into plastic deposit bag.
   a. Currency and last copy of deposit slip will be placed into larger pocket of deposit bag.
   b. Remaining parts of deposit slip will be placed into smaller pocket of deposit bag.
8. Remove protective strip, exposing the adhesive, and seal the plastic deposit bag.
9. Remove detachable receipt on the flap of the deposit bag, listing the deposit bag's pre-printed serial number and attach it to the **PROPERTY CLERK INVOICE**.
10. Place copy of **PROPERTY CLERK INVOICE** in a separate folder to be maintained at desk, if no other property is involved.
11. Have **PROPERTY TRANSFER REPORT (PD521-1412)** prepared utilizing the Property and Evidence Tracking System.

**COMMAND MESSENGER**

12. Prepare **PROPERTY TRANSFER REPORT**, utilizing the Property and Evidence Tracking System and digitally sign **REPORT**.

**DESK OFFICER**

13. Digitally sign **PROPERTY TRANSFER REPORT** verifying accuracy and completeness.
14. Direct command messenger, accompanied by another uniformed member of the service or Evidence/Property Control Specialist, to deliver deposit bag to local Department authorized bank and utilize the night deposit vault, at all times.
    a. Direct both members to examine chute to ensure deposit bag(s) has dropped.
    b. Direct uniformed member(s) of the service to make appropriate digital **Activity Log** entries.
15. Make entry in Command Log, including:
    a. **PROPERTY CLERK INVOICE** serial number
    b. Serial number(s) of plastic deposit bag(s)
    c. Total amount to be deposited
    d. Rank, names and shield numbers of those uniformed members of the service delivering currency to night depository, and name of Evidence/Property Control Specialist (if appropriate).
16. Ensure that a uniformed member of the service performing duty with the second platoon is assigned to retrieve deposit slip on the next business day.

**UNIFORMED MEMBER ASSIGNED**

17. Retrieve deposit slip(s) and record receipt of deposit slip(s) and **PROPERTY CLERK INVOICE** number(s) in digital **Activity Log**.
18. Present receipted deposit slip(s) to desk officer.

**DESK OFFICER**

19. Attach two copies of receipted deposit slips to Property Clerk copy of **PROPERTY CLERK INVOICE**.
20. Enter in Command Log:
    a. Return of receipted deposit slips
    b. **INVOICE** serial number.
21. Retain "Property Clerk" copy of **PROPERTY CLERK INVOICE**, with deposit slips attached, for delivery to appropriate Property Clerk borough office.
22. Conduct "Deposit Slip Confirmation" utilizing the Property and Evidence Tracking System to verify the amount listed on the **PROPERTY CLERK INVOICE** matches the amount deposited by the local Department authorized bank.
    a. If there is a discrepancy between the amount listed on the **PROPERTY CLERK INVOICE** and amount listed on local Department authorized bank deposit slip, ascertain reason for discrepancy as noted by bank and enter correct amount(s) in the corresponding section.
23. Notify Internal Affairs Bureau Command Center, if deposit slip discrepancy is due to a possible act of misconduct.
    a. Make Command Log entry regarding notification (e.g., IAB log number, **INVOICE** number, etc.)

PROCESSING NON-EVIDENCE CURRENCY WITH POSSIBLE NUMISMATIC/ SENTIMENTAL VALUE

**UNIFORMED MEMBER OF THE SERVICE**

24. Comply with *P.G. 218-01, "Invoicing Property – General Procedure"* when invoicing non-evidence currency with possible numismatic/sentimental value.
25. Indicate on **PROPERTY CLERK INVOICE** under "Remarks" possible numismatic/sentimental value.
    a. Itemize coins by quantity.
    b. DO NOT enter any monetary value in "Cash Value" column.
26. Place currency in serially numbered plastic security envelope and comply with pertinent provisions of *P.G. 218-10, "Using Security Lead Seals or Plastic Security Envelopes."*

**DESK OFFICER**

27. Ensure currency with numismatic/sentimental value is delivered to the Property Clerk as per *P.G. 218-03, "Delivery of Property Other Than Vehicle/Boat to Property Clerk."*
    a. DO NOT deposit currency with numismatic/sentimental value into bank.

***ADDITIONAL DATA***

*OPERATIONAL CONSIDERATIONS*

*In the event of seizures of large amounts of currency by any command citywide, which contains more than two thousand bills, a notification to the Property Clerk Division will be made for special counting and deposit procedures.*

*All deposits into Department authorized banks are made on a "subject to count" basis. Should the authorized bank discover a discrepancy, the bank will notify the Commanding Officer, Property Clerk Division. Upon such notification, the Property Clerk Division Investigations Unit will notify the Internal Affairs Bureau.*

***RELATED PROCEDURES***

*Invoicing Property - General Procedure (P.G. 218-01)*
*Processing Currency Required as Evidence (P.G. 218-35)*
*Delivery of Property Other Than Vehicle/Boat to Property Clerk (P.G. 218-03)*
*Using Security Lead Seals or Plastic Security Envelopes (P.G. 218-10)*

***FORMS AND REPORTS***

***PROPERTY CLERK INVOICE (PD521-141)***
***PROPERTY CLERK INVOICE WORKSHEET (PD521-141A)***
***PROPERTY TRANSFER REPORT (PD521-1412)***

| Section: Property - General | | Procedure No: 218-37 | |
|---|---|---|---|
| **HANDLING OF RED DYE MARKED CURRENCY AND INTACT "EXPLODING" CURRENCY PACKETS** | | | |
| DATE ISSUED: 08/01/13 | DATE EFFECTIVE: 08/01/13 | REVISION NUMBER: | PAGE: 1 of 2 |

**PURPOSE** To safely handle red dye marked currency or intact "exploding" currency packets.

**PROCEDURE** When currency marked with a red dye must be handled or an intact "exploding" currency packet is found:

UPON LOCATING AN INTACT PACKET OF CURRENCY

**UNIFORMED MEMBER OF THE SERVICE**

1. DO NOT handle the packet.
2. Evacuate the immediate area.
3. Request the patrol supervisor, Emergency Services Unit and Bomb Squad to respond.

HANDLING OF RED DYE MARKED CURRENCY

**UNIFORMED MEMBER OF THE SERVICE**

4. Wear disposable gloves.
5. Work in a ventilated area.
6. Wash hands thoroughly after handling currency.
7. Indicate clearly on **PROPERTY CLERK INVOICE (PD521-141)** and Plastic Security Envelope that currency may be contaminated with CS Tear Gas.

***ADDITIONAL DATA***

*OPERATIONAL CONSIDERATIONS*

*Members of the service responding to a bank robbery, or discovering a packet of banded currency thereafter, should consult with bank employees to determine if an "exploding" money packet was passed.*

*Do not open property envelopes containing contaminated currency unless absolutely necessary. Sealed plastic envelopes prevent dissipation of contaminated residue. Therefore, follow safety precautions if the envelope must be opened, even after long periods of time have elapsed.*

*Exploding currency packets release tear gas, which may result in contamination of persons and clothing to varying degrees. Since tear gas adheres to clothing, persons exposed to the gas may contaminate others in their proximity. Therefore, all persons exposed to the gas should be isolated from public contact, if possible, and afforded necessary treatment, including medical evaluation, when indicated.*

*FIRST AID PROCEDURES FOR EXPOSURE*

*SKIN*
*Remove the affected persons from the contaminated area to an open, upwind position. Remain calm and restrict activity. Major discomfort should disappear in fifteen to thirty minutes.*

***ADDITIONAL DATA (continued)***

*If stinging or burning sensation on moist skin areas occurs, sit and remain quiet to reduce sweating. Expose affected areas to the air. In cases of gross contamination:*

*a. Remove all contaminated clothing immediately*
*b. Irrigate affected areas with copious amounts of water (at least two liters)*
*c. Wash with soap and water to remove all residue*
*d. Washable clothing may be laundered with soap and water*
*e. Non-washable clothing may be air dried for a two-day period.*

*EYES*

*If there is burning sensation of the eyes, heavy flow of tears, or involuntary closing of eyes, keep eyes open, facing wind. DO NOT rub eyes. Tearing helps clear the eyes. If necessary, wash out eyes with cold water. Tears can be blotted away.*

*INHALATION*

*If a burning sensation or irritation of the nose occurs, breathe normally. Blow nose to remove discharge. Nasal decongestants should help if discomfort is severe. Breathing difficulties (burning sensations, chest tightness) are often accompanied by a feeling of panic. In this event, the affected person (s) should be made to relax and kept calm. Talk reassuringly to the person(s) to prevent panic. If discomfort persists or other symptoms occur, the affected person should be removed to the hospital for medical evaluation.*

***RELATED PROCEDURES***

*Aided Cases-General Procedure (P.G. 216-01)*
*Processing Currency Required As Evidence (P.G. 218-35)*

***FORMS AND REPORTS***

***PROPERTY CLERK INVOICE (PD521-141)***

| Section: Property - General | | Procedure No: 218-38 | |
|---|---|---|---|
| **PROCESSING OF CURRENCY/NEGOTIABLE INSTRUMENTS FOR FORFEITURE** | | | |
| DATE ISSUED: 07/01/20 | DATE EFFECTIVE: 07/01/20 | REVISION NUMBER: | PAGE: 1 of 5 |

**PURPOSE** To expeditiously process seized U.S. currency and/or negotiable instruments valued at one thousand dollars or more which may be forfeitable.

**DEFINITIONS**

FORFEITABLE - For the purpose of this procedure, forfeitable property consists of those assets for which probable cause exists, including that:

a. Such property was used to facilitate a crime, or
b. Such property represents the proceeds or substituted proceeds of a crime.

NEGOTIABLE INSTRUMENT - A cash equivalent such as money orders, traveler's checks, bank checks, etc.

SUBSTITUTED PROCEEDS OF A CRIME - Items of property that have been received in exchange for the actual proceeds of a crime. For example, if currency obtained in exchange for illegal drugs is subsequently used to purchase an automobile, the currency is the proceeds of a crime, and the automobile is the substituted proceeds of a crime.

**PROCEDURE** When a uniformed member of the service seizes U.S. currency and/or negotiable instruments valued at one thousand dollars or more that are deemed forfeitable:

**UNIFORMED MEMBER OF THE SERVICE**

1. Notify the Asset Forfeiture Unit, twenty-four hours a day seven days a week, and request a Forfeiture Log Number(s) for U.S. currency and/or negotiable instruments valued at one thousand dollars or more that are deemed forfeitable.
   a. Comply with normal invoicing procedures if an Asset Forfeiture Unit investigator determines that the seized property is not forfeitable.
2. Prepare a separate **PROPERTY CLERK INVOICE WORKSHEET (PD 521-141A)** for only U.S. currency and/or negotiable instruments earmarked for forfeiture.
   a. DO NOT include any other property on **WORKSHEET**.
3. Select "FORFEITURE" as property category.
4. Do not categorize this property as arrest evidence, unless it is an element of a criminal charge being lodged against a defendant.
5. Include the Forfeiture Log Number and an indication that this is property being "Held For Forfeiture," in the "Remarks" section of the **PROPERTY CLERK INVOICE WORKSHEET**.
   a. Include a statement in the "Remarks" section briefly explaining the circumstances under which currency and/or negotiable instruments were seized. The statement should clearly demonstrate how such property was used to facilitate a crime and the specific location where such property was seized.
6. Make entry in digital **Activity Log**.

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

7. DO NOT "Evidence" stamp U.S. currency/negotiable instruments earmarked for forfeiture.
8. Deliver **PROPERTY CLERK INVOICE WORKSHEET** and currency/negotiable instrument to desk officer.

**DESK OFFICER**

9. Verify accuracy and completeness of **PROPERTY CLERK INVOICE WORKSHEET**.
10. Have **PROPERTY CLERK INVOICE WORKSHEET** entered into the Property and Evidence Tracking System to generate a **PROPERTY CLERK INVOICE (PD521-141)**.
11. Ensure a digital photograph is taken of currency seized pursuant to a search warrant, if applicable, before it is bagged and deposited in the bank.
    a. Upload photograph to the **PROPERTY CLERK INVOICE** as a related document utilizing the Property and Evidence Tracking System.

**UNIFORMED MEMBER OF THE SERVICE**

12. Digitally sign **PROPERTY CLERK INVOICE** verifying accuracy and completeness.

**DESK OFFICER**

13. Digitally sign **PROPERTY CLERK INVOICE** verifying accuracy and completeness.
14. Prepare and sign deposit slip.
15. Direct invoicing officer to place currency/negotiable instruments into Plastic Security Envelopes.
16. Place copy of **PROPERTY CLERK INVOICE** in separate folder to be maintained at desk, if no other property is involved.
17. Have **PROPERTY TRANSFER REPORT (PD521-1412)** prepared utilizing the Property and Evidence Tracking System.

**COMMAND MESSENGER**

18. Prepare **PROPERTY TRANSFER REPORT** utilizing Property and Evidence Tracking System and digitally sign **REPORT**.

**DESK OFFICER**

19. Digitally sign **PROPERTY TRANSFER REPORT** verifying accuracy and completeness.
20. Direct command messenger, accompanied by another uniformed member of the service, to deliver currency in deposit bag to local Department authorized bank and utilize the night deposit vault, at all times.
    a. Direct both uniformed members to examine chute to ensure deposit bag (s) has dropped.
    b. Direct both uniformed members of the service to make appropriate digital **Activity Log** entries.
21. Direct command messenger to forward negotiable instruments to Borough Property Clerk's Office.
22. Make entry in Command Log, including:
    a. **PROPERTY CLERK INVOICE** serial number.

**DESK OFFICER (continued)**

b. Serial number(s) of Plastic Security Envelope(s).
c. Total amount invoiced.
d. Rank, names and shield numbers of both uniformed members of the service delivering currency to night depository.
e. Forfeiture Log number.

23. Ensure that a uniformed member of the service performing duty with the second platoon is assigned to retrieve deposit slip on the next business day.

**UNIFORMED MEMBER OF THE SERVICE**

24. Retrieve deposit slip(s) and record receipt of deposit **PROPERTY CLERK INVOICE** number(s) in digital **Activity Log**.
25. Present receipted deposit slip(s) to desk officer.

**DESK OFFICER**

26. Attach two copies of receipted deposit slips to **PROPERTY CLERK INVOICE**.
27. Enter in Command Log:
    a. Return of receipted deposit slip.
    b. **PROPERTY CLERK INVOICE** serial number.
28. Retain **PROPERTY CLERK INVOICE** with deposit slips attached for delivery to Borough Property Clerk's Office.

**EVIDENCE/ PROPERTY CONTROL SPECIALIST/ DESIGNATED UNIFORMED MEMBER OF THE SERVICE**

29. Conduct "Deposit Slip Confirmation" utilizing Property and Evidence Tracking System to verify the amount listed on **PROPERTY CLERK INVOICE** matches the amount deposited by local Department authorized bank.
    a. If there is a discrepancy between the amount listed on the **PROPERTY CLERK INVOICE** and amount local Department authorized bank listed on deposit slip:
        (1) Ascertain reason for discrepancy as noted by bank and enter correct amount(s) in the corresponding section.
        (2) Notify desk officer regarding reason for discrepancy and list notification in the "Remarks" section.

**DESK OFFICER**

30. Notify Internal Affairs Bureau Command Center, if deposit slip discrepancy is due to a possible act of misconduct.
    a. Make Command Log entry regarding notification (e.g., IAB log number, **INVOICE** number, etc.).

**ASSET FORFEITURE UNIT**

31. Determine whether seized assets are appropriate subject of forfeiture proceedings, and if so, assign log number, conduct follow-up investigation and initiate tracking procedures.
32. Confer with District Attorney's Office, Civil Enforcement Unit, and any other agencies involved.
33. In federal cases, request appropriate federal agency to adopt within thirty days, or request the District Attorney to forward a completed State Forfeiture Release Form to the Asset Forfeiture Unit for processing.
34. Authorize the release of currency/negotiable instruments from the Property Clerk in forfeiture cases.

**COMMANDING OFFICER, ASSET FORFEITURE UNIT**

35. Direct and coordinate the post seizure investigative efforts of the Department.

**PROPERTY CLERK**

36. Process **PROPERTY CLERK INVOICE** and currency/negotiable instruments.
37. Issue a check within three business days for seized currency being processed for Federal or State Forfeiture upon written request of the Asset Forfeiture Unit.
38. Process only those requests for the release of assets for federal, state and local forfeiture that have been approved by the Asset Forfeiture Unit.

**ASSET FORFEITURE UNIT**

39. Prepare related paperwork and forward check to appropriate agency, in federal forfeiture cases.
40. Prepare an accounting of investigative expenses incurred and a request for the sharing in state forfeiture cases.
    a. Forward with a check to the appropriate District Attorney.
41. Assist and forward related paperwork to the Civil Enforcement Unit, in local forfeiture cases.
42. Negotiate an equitable sharing agreement with other participants, in federal cases.
43. Prepare and process **Application for Transfer of Federally Forfeited Property [DAG71]** in Federal forfeiture cases.
44. Monitor and track all federal and state forfeiture actions throughout the entire process.

***ADDITIONAL DATA***

*OPERATIONAL CONSIDERATIONS*

*Seizures of currency/negotiable instruments valued at less than one thousand dollars do not require a notification to the Asset Forfeiture Unit and no Forfeiture Log number will be issued. In these instances, the currency/negotiable instruments will be processed in accordance with this procedure.*

*In the event of seizures of large amounts of currency which contain more than two thousand bills, the Property Clerk's Division should be contacted at for special counting and deposit procedures.*

*Search Warrant Cases*

*In all instances, items seized pursuant to a New York State search warrant will be inventoried for return to the court issuing the warrant. All such property will be processed in accordance with this procedure. This property will not be released for forfeiture proceedings by the Property Clerk without the authorization of the Commanding Officer, Asset Forfeiture Unit and a release by the prosecutor, a turnover order issued by a judge or a seizure warrant from a federal court.*

***ADDITIONAL DATA (continued)***

*Transfer Prohibited*

*This procedure constitutes the Department's sole directive regarding the disposition of currency and/or negotiable instruments destined for forfeiture. In no instance will assets be transferred to a New York City Police Department unit or outside law enforcement agency for forfeiture processing without the written permission of the Commanding Officer, Asset Forfeiture Unit.*

*Uniformed members of the service assigned to a formal Joint Federal Task Force will notify the Asset Forfeiture Unit of all currency/negotiable instrument seizures and process the seizure under the protocol established under their "Memorandum of Understanding."*

***RELATED PROCEDURE***

*Forfeiture Proceedings for Seized Property (P.G. 208-26)*

***FORMS AND REPORTS***

***PROPERTY CLERK INVOICE (PD 521-141)***
***PROPERTY CLERK INVOICE WORKSHEET (PD521-141A)***
***PROPERTY TRANSFER REPORT (PD521-1412)***
***Application for Transfer of Federally Forfeited Property (DAG71)***

NYPD

**PURPOSE** To remove property from an unlicensed food/general vendor(s) or from a licensed general vendor(s) peddling in violation of law.

**DEFINITIONS**

GENERAL VENDOR - Person who peddles, sells, leases, or offers for sale or lease at retail, goods or services, other than food, in a public area.

FOOD VENDOR - Person, who peddles, sells or offers food for sale at retail in any public place.

PUSHCART - Any wheeled vehicle or device used by a vendor in a public place, which can be moved with or without a motor and does not require registration by Department of Motor Vehicles.

STAND - A movable, portable, or collapsible structure, device or other contrivance other than a pushcart used to display or store any merchandise, food or article required while acting as a vendor.

EXIGENT CIRCUMSTANCES – For the purpose of this procedure, any situation which may endanger public safety or obstruct the free flow of traffic, either pedestrian or vehicular, (e.g., fire, emergency, heavy traffic, street excavation, parade, etc.).

SEIZURE OF PROPERTY – Removal of a street vendor's property pending forfeiture action against the vendor by the City's Law Department. In those circumstances, the property may not be returned to the vendor without written authorization of the City's Law Department or Commanding Officer, Legal Bureau.

REMOVAL OF PROPERTY – Confiscation of a street vendor's property. The property may be returned to the vendor at the command under certain circumstances, even if the Civil Summons Returnable to the Office of Administrative Trials and Hearings (OATH) has not been adjudicated at the time the vendor seeks return of his/her property.

PROPERTY CLERK DIVISION SEAL - Non-releasable, barcoded, pre-numbered security seal used to provide increased security for street vendor's property, which is seized and placed in large plastic bags to be invoiced.

**PROCEDURE** When a uniformed member of the service observes a general or food vendor who is unlicensed or operating in violation of the General/Food Vendor law or regulations:

**UNIFORMED MEMBER OF THE SERVICE**

1. Perform the following in the presence of the peddler:
   a. Serve Civil Summons Returnable to the Office of Administrative Trials and Hearings (OATH).
   b. Place all seized property into large plastic bag(s) and tightly twist top of bag(s) closed.

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

c. Affix Property Clerk Division seal, with prongs facing inward, around top of bag by pushing tie through slot and pulling loose end taut.
   (1) Write pre-printed number of Property Clerk Division seal on summons under issuing officer's signature.

2. Deliver pushcart, stand, food/property, and necessary forms as appropriate, to command of occurrence.
3. Do not permit vendor to assist in removal of property to command or ride in Department vehicle, except in arrest situation.
4. Return vendor's (food or general) license to licensee after issuing Civil Summons Returnable to OATH.
5. Prepare **PROPERTY CLERK INVOICE WORKSHEET (PD521-141A)**.
6. Mark **PROPERTY CLERK INVOICE WORKSHEET** "Removed/ Safeguard."
7. Enter under "Remarks" on **PROPERTY CLERK INVOICE WORKSHEET**, time of arrival at command with perishable items, type of food or goods and how packaged.
8. Make appropriate entries regarding Property Clerk Division seals utilized in **CERTIFICATION OF PROPERTY CLERK DIVISION SEALS (PD521-061)**.
9. Notify at least one food rescue organization (e.g., City Harvest, etc.) to retrieve food at their expense, when seizure occurs in the presence of Department of Health employee or agent and they determine food meets sanitary requirements.
   a. Make digital **Activity Log** entry and include the title and name of Department of Health employee, circumstances of food seizure, and statement that food meets sanitary requirements.
      (1) Have Department of Health employee sign digital **Activity Log**.

**COMMANDING OFFICER**

10. Designate sufficient number of supervising members to frequently inspect perishable foods or goods so that such items may, when necessary, be condemned and disposed of.
11. Ensure perishable foods or goods are not forwarded to the Property Clerk Division.

**DESK OFFICER**

12. Examine sealed bag to ensure that:
    a. It is properly sealed
    b. Pre-printed, bar-coded Property Clerk Division seal number is accurately recorded on both **PROPERTY CLERK INVOICE WORKSHEET** and Civil Summons Returnable to OATH.
13. Ensure **PROPERTY CLERK INVOICE WORKSHEET** is entered into Property and Evidence Tracking System to generate a **PROPERTY CLERK INVOICE (PD521-141)**.
    a. If two separate **PROPERTY CLERK INVOICES** are prepared, a cross-reference will be made utilizing the related invoice function in the Property and Evidence Tracking System.

**DESK OFFICER (continued)**

14. Store plastic bag(s) with **PROPERTY CLERK INVOICE(S)** in property room, pending removal to the Property Clerk.
15. Ensure at least one food rescue organization is notified to retrieve seized food, as outlined in step "9."
    a. Make entry in appropriate Department record, including the name, address, and contact phone number of food rescue organization that retrieved food, if applicable.
16. Notify Property Clerk Division if large amount of property is removed from vendor.
17. Notify Department of Sanitation when expeditious disposal of spoiled food or goods is required.
18. Have three copies of a report prepared on **OFFICIAL LETTERHEAD (PD158-151)** addressed to the vendor, within twenty-four hours after perishable food or goods has been disposed of, indicating:
    a. An itemized description of property
    b. Reason for destruction or disposition
    c. Date of destruction/disposition.
19. Send copy of report to vendor through United States Mail.
20. Enter in the remarks section of the **PROPERTY CLERK INVOICE** any condemned food or goods, and date and time report was mailed to vendor.
21. Attach copy of report to command file copy of **PROPERTY CLERK INVOICE**.
22. Prepare a separate report on **OFFICIAL LETTERHEAD** and comply with steps "18" through "21," if different types of food or goods are disposed of at different times, even if delivered to the command as part of the same seizure.

WHEN EXIGENT CIRCUMSTANCES EXIST:

**UNIFORMED MEMBER OF THE SERVICE**

23. Notify vendor to stop all selling at the location and, within one minute, begin to move from the area.
24. Inform vendor not to return to location for at least two hours unless conditions dictate otherwise. (VENDOR MUST BE NOTIFIED OF TIME PERIOD).
25. Make digital **Activity Log** entry describing the exigency that prompted the order for the vendor to move and include:
    a. Name and license number of the vendor
    b. Description of the order conveyed
    c. Time period vendor was directed to stay away from the area.

***ADDITIONAL DATA***

*OPERATIONAL CONSIDERATIONS*

*All peddler enforcement vehicles will be marked and all peddler enforcement personnel will perform duty in uniform, with the exception of "designated spotters," who will be permitted to perform duty in civilian clothes.*

***ADDITIONAL DATA (continued)***

*Supervisory span of control for peddler enforcement shall not exceed one supervisor for five police officers. Dedicated peddler enforcement supervisors will be present at all property seizures, when practical.*

*In the event that a plastic bag containing a street vendor's property breaks, a uniformed supervisor will be responsible to re-bag the property utilizing the "repack" function in Property Clerk Evidence Tracking System. Each command involved in peddler enforcement will be required to maintain a separate* ***CERTIFICATION OF PROPERTY CLERK DIVISION SEALS*** *for command use. The assigned supervisor will not remove property from the damaged bag, nor will the Property Clerk Division seal be removed. Rather, the entire bag, with the Property Clerk Division seal intact, will be placed in the new bag and a new Property Clerk Division seal attached. An entry will be made in the Command Log, including seal numbers and invoice numbers involved. Additionally, a cross-reference will be made in the original Log entry of the invoice concerned.*

***RELATED PROCEDURES***

*Invoicing Property - General Procedure (P.G. 218-01)*
*Removal and Storage Fees for Licensed Food Vendors Equipment and Goods (P.G. 218-43)*
*Unlicensed Peddler Forfeiture Program (P.G. 218-41)*

***FORMS AND REPORTS***

***OFFICIAL LETTERHEAD (PD158-151)***
***PROPERTY CLERK INVOICE (PD521-141)***
***PROPERTY CLERK INVOICE WORKSHEET (PD521-141A)***
***CERTIFICATION OF PROPERTY CLERK DIVISION SEALS (PD521-061)***

NYPD

**PURPOSE** To confiscate vehicles of unlicensed general vendor distributors and institute forfeiture proceedings.

**DEFINITION** DISTRIBUTOR - any person or organization engaged in the sale, consignment, or distribution of goods for sale or resale by a general vendor. This shall not include an owner of goods who personally operates a motor vehicle to transport such goods exclusively to and from a location from which the owner will personally sell such goods in compliance with all applicable laws.

PUBLIC SPACE - all publicly-owned property between the property lines on a street as such property lines are shown on the City map including but not limited to a park, plaza, roadway, shoulder, tree space, sidewalk or parking space between such property lines. It shall also include, but not be limited to, publicly owned or leased land, buildings, piers, wharfs, stadiums, and terminals.

**PROCEDURE** Upon observing an unlicensed general vendor distributor in a public place:

**UNIFORMED MEMBER OF THE SERVICE**

1. Serve Civil Summons Returnable to the Office of Administrative Trials and Hearings (OATH) for New York City Administrative Code 20-474.1 (Unlicensed General Vendor Distributor), if violator eligible.
2. Confiscate vehicle and contents for forfeiture proceedings.
3. Remove vehicle to precinct of occurrence and comply with *P.G. 218-12, "Safeguarding Vehicles in Police Custody."*
   a. Any goods contained within the vehicle shall be processed according to *P.G. 218-39, "Seizure, Removal and Disposition of Property from General and Food Vendors."*
4. Prepare **PROPERTY CLERK INVOICE WORKSHEET (PD521-141A)** and select "FORFEITURE" as Property Category.
5. Submit completed **PROPERTY CLERK INVOICE WORKSHEET** to desk officer for review.

**DESK OFFICER**

6. Have vehicle removed to Property Clerk storage facility (see *P.G. 218-20, "Delivery of Vehicle to Property Clerk").*
7. Ensure accuracy of **PROPERTY CLERK INVOICE WORKSHEET**.
8. Ensure **PROPERTY CLERK INVOICE WORKSHEET** is entered into Property Evidence Tracking System to generate a **PROPERTY CLERK INVOICE (521-141)**.
9. Prepare **PEDDLER FORFEITURE QUESTIONNAIRE (PD260-155)** upon arrival at stationhouse of individual seeking to reclaim seized property.
   a. Ensure the names and addresses of all persons involved (e.g., driver, owner of vehicle and/or representative, etc.) AND **PROPERTY CLERK INVOICE** serial number(s) are entered on **PEDDLER FORFEITURE QUESTIONNAIRE**.

**DESK OFFICER (continued)**

10. Have claimant sign perforated, tear-off portion of **PEDDLER FORFEITURE QUESTIONNAIRE** entitled "Peddler Property - Acknowledgement of Demand."
11. Send by FAX or forward by messenger copies of all relevant documents, including:
    a. Completed **PEDDLER FORFEITURE QUESTIONNAIRE** with signed "Peddler Property-Acknowledgement of Demand"
    b. **PROPERTY CLERK INVOICE**
    c. Civil Summons Returnable to OATH or summons
    d. **ON LINE BOOKING SYSTEM ARREST WORKSHEET (PD244-159)**, if applicable
    e. Any other documents prepared within one day of the demand for the return of property to:
    *Assistant Chief, Administrative Law Division*
    *New York City Law Department*
    *100 Church Street, Room 5J17*
    *New York, New York 10007*
12. Provide claimant appearing at command with:
    a. Peddler Property - Acknowledgement of Demand (perforated, tear-off portion of original **PEDDLER FORFEITURE QUESTIONNAIRE**
    b. "Prisoner/Finder/Owner" copy of **PROPERTY CLERK INVOICE**.
13. Forward to patrol borough coordinator:
    a. ORIGINAL and one copy of **PEDDLER FORFEITURE QUESTIONNAIRE**
    b. Two copies of **PROPERTY CLERK INVOICE**, Environmental Control Board Notice of Violation and Hearing or summons and **ON LINE BOOKING SYSTEM ARREST WORKSHEET**, if applicable.

**PATROL BOROUGH COORDINATOR**

14. Retain copies of all forms prepared on ORIGINAL and SUBSEQUENT SERVICE, if appropriate, for precinct file.
15. Maintain record of forms received from precinct under the following captions:

| DATE | SERIAL NO. | CLAIMANT'S NAME | OWNER/ REPRESEN-TATIVE | INVOICE NO. | SUMMONS NO. | VENDOR'S NAME |
|---|---|---|---|---|---|---|

16. Assign borough serial number to each **PEDDLER FORFEITURE QUESTIONNAIRE** received.
17. Check all forms for completeness and accuracy.
    a. Return any form containing errors and/or omissions to command of origin for correction.
18. Act as a liaison with Corporation Counsel in all matters pertaining to the forfeiture program.

***ADDITIONAL DATA***

*OPERATIONAL ISSUES*

*Any vehicle used by a distributor to transport goods to a general vendor must be visually identified by a sign conspicuously displayed on the side of the vehicle. The following information must be clearly and legibly displayed on such sign:*

*a. The licensee's name and address*
*b. Business telephone numbers*
*c. The words "General Vending Distributor"*
*d. Department of Consumer Affairs telephone complaint number.*

*Persons operating a licensed General Vendor Distributor Vehicle which is either missing such a sign or if the sign is missing any of the information required as listed in "a thru d" above may be issued a Civil Summons Returnable to OATH under New York City Administrative Code Section 20-474.2(a).*

*The letters and numerals of such display shall not be less than one and one-half inches in height, with a width of at least one-quarter of an inch, and shall be colored black and white, whichever is most prominent against the background color. A Civil Summons Returnable to OATH under New York City Code Section 20-474.2(b) may be issued if the licensed General Vendor Distributor does not have a vehicle sign that has the proper dimensions required by law.*

*Signs used to identify delivery vehicles may be removable, but must be securely fastened whenever the vehicle is used to deliver or remove goods to or from a general vendor. The sign must remain securely attached throughout the time it takes to load or unload goods. A Civil Summons Returnable to OATH under New York City Code Section 20-474.2(c) may be issued to the licensed General Vendor Distributor for failure to have a sign securely fastened to their vehicle during loading and unloading of goods.*

*It is now the responsibility of the Corporation Counsel to serve the claimant with the summons and complaint. However, it is imperative that a copy of the completed* ***PEDDLER FORFEITURE QUESTIONNAIRE****, as well as any other documents prepared in conjunction with this procedure, be forwarded to the Corporation Counsel within one day of the claimant's appearance at stationhouse to reclaim seized property.*

*Any subsequent demand by an unlicensed distributor for the return of seized property will be processed according to Patrol Guide 218-41, "Unlicensed Peddler Forfeiture Program."*

***RELATED PROCEDURES***

*Safeguarding of Vehicles in Police Custody (P.G. 218-12)*
*Delivery of Vehicles to Property Clerk (P.G. 218-20)*
*Seizure, Removal and Disposition of Property from General and Food Vendors (P.G. 218-39)*
*Removal and Storage Fees for Vendors Equipment and Goods (P.G. 218-43)*
*Unlicensed Peddler Forfeiture Program (P.G. 218-41)*

***FORMS AND REPORTS***

***ON-LINE BOOKING SYSTEM ARREST WORKSHEET (PD244-159)***
***PEDDLER FORFEITURE QUESTIONNAIRE (PD260-155)***
***PROPERTY CLERK INVOICE (PD521-141)***
***PROPERTY CLERK INVOICE WORKSHEET (PD521-141A)***

**PURPOSE** To institute forfeiture proceedings against property seized from unlicensed street vendors.

**SCOPE** ONLY the property of an unlicensed food or general vendor or the property of a licensed general vendor, who violates the restricted streets provision of Administrative Code Section 20-465, subdivision "l," is subject to forfeiture. Members are to confiscate only the property that the vendor had on display, as well, as any cart, table or vehicle used to display the property.

**PROCEDURE** Upon observing an unlicensed street vendor operating in a public place:

**UNIFORMED MEMBER OF THE SERVICE**

1. Comply with *P.G. 218-39, "Seizure, Removal and Disposition of Property of General and Food Vendors."*
2. Prepare **PROPERTY CLERK INVOICE (PD521-141)** utilizing the Property and Evidence Tracking System and select "FORFEITURE" as Property Category.

**DESK OFFICER**

3. Comply with *P.G. 218-39, "Seizure, Removal and Disposition of Property of General and Food Vendors."*
4. Prepare **PEDDLER FORFEITURE QUESTIONNAIRE (PD260-155)** upon arrival at command of individual seeking to reclaim seized property.
   a. Ensure the names and addresses of all persons involved, (e.g., driver, owner of vehicle and/or representative, etc.) AND **PROPERTY CLERK INVOICE** serial number(s) are entered on **PEDDLER FORFEITURE QUESTIONNAIRE**.
5. Have claimant sign perforated, tear-off portion of **PEDDLER FORFEITURE QUESTIONNAIRE** entitled, "Peddler Property-Acknowledgement of Demand."
6. Send by FAX or forward by messenger copies of all relevant documents, including:
   a. Completed **PEDDLER FORFEITURE QUESTIONNAIRE** with signed "Peddler Property-Acknowledgement of Demand"
   b. **PROPERTY CLERK INVOICE**
   c. Civil Summons Returnable to the Office of Administrative Trials and Hearings (OATH) or summons
   d. **ON LINE BOOKING SYSTEM ARREST WORKSHEET (PD244-159)**, if applicable
   e. Any other documents prepared within one day of the demand for the return of property to:
      Assistant Chief, Administrative Law Division
      New York City Law Department
      100 Church Street, Room 5J17
      New York, New York 10007

**DESK OFFICER (continued)**

7. Provide claimant appearing at stationhouse with:
   a. Peddler Property-Acknowledgement of Demand (perforated, tear-off portion of original **PEDDLER FORFEITURE QUESTIONNAIRE**)
   b. "Prisoner/Finder/Owner" copy of **PROPERTY CLERK INVOICE**.
8. Forward to patrol borough coordinator:
   a. ORIGINAL (less tear-off portion) and one copy of **PEDDLER FORFEITURE QUESTIONNAIRE**
   b. Two copies of **PROPERTY CLERK INVOICE**, Civil Summons Returnable to OATH or summons and **ON LINE BOOKING SYSTEM ARREST WORKSHEET**, if applicable.
9. Comply with steps "4" through "8" for EACH SUBSEQUENT CLAIMANT appearing at the stationhouse to reclaim same property.
10. Retain copies of <u>all</u> forms prepared on ORIGINAL and SUBSEQUENT SERVICE, if appropriate, for command file.

**PATROL BOROUGH COORDINATOR**

11. Maintain record of forms received from command under the following captions:

| DATE | SERIAL NO. | CLAIMANT'S NAME | OWNER/ REPRESEN-TATIVE | INVOICE NO. | SUMMONS NO. | VENDOR'S NAME |
|---|---|---|---|---|---|---|

12. Assign borough serial number to each **PEDDLER FORFEITURE QUESTIONNAIRE**.
13. Check all forms for completeness and accuracy.
    a. Return any form containing errors and/or omissions to precinct of origin for correction.
14. Act as a liaison with Corporation Counsel in all matters pertaining to the forfeiture program.

***ADDITIONAL DATA***

*<u>OPERATIONAL ISSUES</u>*

*It is now the responsibility of the Corporation Counsel to serve the claimant with the summons and complaint. However, it is imperative that copies of the completed **PEDDLER FORFEITURE QUESTIONNAIRE**, as well as any other documents prepared in conjunction with this procedure, be forwarded to the Corporation Counsel within one day of the claimant's appearance at command to reclaim seized property.*

***RELATED PROCEDURE***

*Seizure, Removal and Disposition of Property of General and Food Vendors (P.G. 218-39)*

***FORMS AND REPORTS***

***ON-LINE BOOKING SYSTEM ARREST WORKSHEET (PD244-159)***
***PEDDLER FORFEITURE QUESTIONNAIRE (PD260-155)***
***PROPERTY CLERK INVOICE (PD521-141)***

| Section: Property - General | | Procedure No: 218-42 | |
|---|---|---|---|
| **OBTAINING AND RETURNING OF PROPERTY CLERK DIVISION SEALS (PLASTIC SECURITY SEALS)** | | | |
| DATE ISSUED: 08/01/13 | DATE EFFECTIVE: 08/01/13 | REVISION NUMBER: | PAGE: 1 of 2 |

**PURPOSE** To record the distribution of Property Clerk Division seals issued to uniformed members of the service assigned to peddler enforcement duty and to ensure the integrity of returned Property Clerk Division seals.

**SCOPE** Uniformed members of the service below the rank of captain, assigned to peddler enforcement duty, must carry a sufficient amount of Property Clerk Division seals.

**PROCEDURE** When assigned to peddler enforcement duty:

**UNIFORMED MEMBER OF THE SERVICE**

1. Obtain Property Clerk Division seals and **CERTIFICATION OF PROPERTY CLERK DIVISION SEALS (PD521-061)** from desk officer.
2. Examine Property Clerk Division seals to ensure that there are twenty seals, consecutively numbered.
3. Sign for Property Clerk Division seals on the **PROPERTY CLERK DIVISION SEAL DISTRIBUTION CARD (PD521-1411)**.
4. Sign and deliver completed **CERTIFICATION OF PROPERTY CLERK DIVISION SEALS**, to immediate supervisor, after all seals have been used.

**SUPERVISOR**

5. Review completed **CERTIFICATION OF PROPERTY CLERK DIVISION SEALS** and verify that all Property Clerk Division seals are accounted for.
   a. Document verification by initialing the top portion of the **CERTIFICATION OF PROPERTY CLERK DIVISION SEALS**.

**UNIFORMED MEMBER OF THE SERVICE**

6. Deliver unused Property Clerk Division seals and **CERTIFICATION OF PROPERTY CLERK DIVISION SEALS**, to the command where they were issued, when transferred or separated from the Department.
7. Notify commanding officer, without delay, when a Property Clerk Division seal is damaged or missing.

**COMMANDING OFFICER/ RANKING SUPERVISOR DESIGNEE**

8. Examine **CERTIFICATION OF PROPERTY CLERK DIVISION SEALS** to verify that:
   a. All information has been recorded
   b. No discrepancies exist.
9. Take appropriate action if discrepancies are found.
10. Obtain unused or damaged peddler seals from transferred or separated members.
11. Destroy unused or damaged Property Clerk Division seals; they are not to be re-issued.

**INTEGRITY CONTROL OFFICER**

12. Make random inspections of **CERTIFICATION OF PROPERTY CLERK DIVISION SEALS**.
13. Indicate inspection by entering date and initials on the reverse side of **CERTIFICATION OF PROPERTY CLERK DIVISION SEALS**.
14. Report any discrepancies to the commanding officer.

***FORMS AND REPORTS***

***CERTIFICATION OF PROPERTY CLERK DIVISION SEALS (PD521-061)***
***PROPERTY CLERK DIVISION SEAL DISTRIBUTION CARD (PD521-1411)***

NYPD

| Section: Property - General | | Procedure No: 218-43 | |
|---|---|---|---|
| **REMOVAL AND STORAGE FEES FOR LICENSED FOOD VENDORS EQUIPMENT AND GOODS** | | | |
| DATE ISSUED: 08/01/13 | DATE EFFECTIVE: 08/01/13 | REVISION NUMBER: | PAGE: 1 of 2 |

**PURPOSE** To collect removal and storage fees for vehicles, carts, goods or food of a licensed food vendor.

**PROCEDURE** When the owner or person lawfully entitled to possession of a peddler's vehicle, cart, stand or goods appears at a Department facility to claim property:

**DESK OFFICER**

1. Collect removal fee as follows:
   a. Vehicle, cart, stand removed by Department vehicle - $65.00
   b. Vehicle, cart, stand not removed by Department vehicle - $20.00
   c. Goods taken into custody with vendor's vehicle, cart, stand - $10.00
   d. Goods only seized - $20.00.
2. Ensure goods/foods and vehicle, carts, stand, etc. which are stored separately are charged a separate storage fee.
3. Collect storage fee of $5.00 per day or part of day.
   a. Storage fee will not be imposed for the day the vehicle, cart, stand or goods/food are initially delivered to the command.
4. Prepare two copies of **FEE RECEIPT (PD122-017)**.
5. Mark receipt "VOID" if an error is made in its preparation.
   a. Prepare new receipt.
   b. File receipt marked "VOID" in command.
6. Give original **RECEIPT** to claimant.
7. Complete the "Release/Disposition – Return to Owner" function utilizing the Property and Evidence Tracking System.
   a. Have claimant sign utilizing the digital signature capture device.
8. Forward fees collected for removal/storage to Audits and Accounts Unit on the next business day (except Saturdays, Sundays and civilian holidays).
   a. Fees received at commands <u>after 1600 hours</u> or on days when the Audits and Accounts Unit is closed will be safeguarded and processed the next business day.
9. File copy of **FEE RECEIPT** in command.

***ADDITIONAL DATA***

*<u>OPERATIONAL CONSIDERATIONS</u>*

*A vehicle, cart, stand, or goods will not be released to an owner or his representative who alleges it was stolen and refuses to pay removal/storage charges.*

*The seized property of a licensed vendor will be returned upon demand and without the payment of any fee, when the vendor produces a valid vendor's license. An appropriate entry will be made in the "Remarks" section of the **PROPERTY CLERK INVOICE**.*

*Pushcarts, stands, and/or merchandise removed from an unlicensed peddler will not be returned to the claimant upon payment of removal and storage fees, but will become the subject of forfeiture proceedings per P.G. 218-41, "Unlicensed Peddler Forfeiture Program."*

***RELATED PROCEDURE*** *Unlicensed Peddler Forfeiture Program (P.G. 218-41)*

***FORMS AND REPORTS*** ***FEE RECEIPT (PD122-017)***
***PROPERTY CLERK INVOICE (PD521-141)***

# PATROL GUIDE

| Section: Property - General | | Procedure No: 218-44 | |
|---|---|---|---|
| **REMOVAL AND STORAGE CHARGES** | | | |
| DATE ISSUED: 08/19/13 | DATE EFFECTIVE: 08/19/13 | REVISION NUMBER: | PAGE: 1 of 1 |

**PURPOSE** To collect and forward fees received for vehicles or boats in police custody.

**DEFINITION** VEHICLE OR BOAT IN POLICE CUSTODY - A motor vehicle or boat abandoned, involved in a collision or an unoccupied boat found adrift which has been taken to a Department facility. (Does not include motor vehicles or boats impounded as evidence).

**PROCEDURE** When the owner or person lawfully entitled to possession appears at a Department facility to claim a vehicle or boat:

**DESK OFFICER OR PERSON IN CHARGE OF STORAGE FACILITY**

1. Collect towing fee of $25.00 if Department tow or launch removes a vehicle or boat in police custody.
2. Collect storage fee of $5.00 per day or part of day for an abandoned vehicle or boat or a vehicle or boat involved in a collision. (No storage fee will be imposed for the day a vehicle or boat is delivered to a department facility.)
3. Charge $5.00 per day or part of day commencing three days after notice to owner by registered mail for an unoccupied boat found adrift or a stolen vehicle or boat.
4. Prepare **FEE RECEIPT (PD122-017)** in numerical sequence.
   a. Original copy to claimant.
   b. Copy to Audits and Accounts Unit.
   c. Leave third copy in **FEE RECEIPT BOOK** as command file copy.
5. Forward fees collected to Audits and Accounts Unit each day (excluding Saturdays, Sundays and holidays) with three copies of itemized report and corresponding **FEE RECEIPT** for each boat or vehicle returned to claimant.

***NOTE*** *The New York City Administrative Code requires that fees collected be forwarded "on next business day." Fees collected at commands after 1600 hours or on days when the Audits and Accounts Unit is closed will be safeguarded and processed the next business day. The Audits and Accounts Unit is closed for business on weekends and all civilian holidays.*

***ADDITIONAL DATA*** *DO NOT release vehicle or boat to an owner or his representative who alleges it was stolen and refuses to pay charges due.*

***RELATED PROCEDURES*** *Forwarding Fees to Audits and Accounts Unit (P.G. 212-82)*

***FORMS AND REPORTS*** ***FEE RECEIPT (PD122-017)***

| Section: Property - General | | Procedure No: 218-45 | |
|---|---|---|---|
| **HANDGUN LICENSE SUSPENSION, REVOCATION OR CANCELLATION** | | | |
| DATE ISSUED: 07/01/20 | DATE EFFECTIVE: 07/01/20 | REVISION NUMBER: | PAGE: 1 of 3 |

**PURPOSE** To facilitate the surrender of **Handgun Licenses** and handguns when a license is suspended, revoked or cancelled.

**DEFINITION** HANDGUN - For the purposes of this procedure, a handgun is defined as any pistol or revolver listed on a **Handgun License**.

**PROCEDURE** Upon receipt of a **HANDGUN SURRENDER NOTICE (PD641-123)**, through channels, from the License Division:

**OPERATIONS COORDINATOR**

1. Assign/designate a member of the service to record receipt of **HANDGUN SURRENDER NOTICE**, by serial number, in Precinct Communication Log and deliver **NOTICE**(S) to commanding officer.

**COMMANDING OFFICER**

2. Assign a uniformed member of the service, preferably a supervisor, to conduct a prompt investigation.
3. Ensure investigation is completed and all related forms are forwarded to the License Division, through channels, within thirty days of date **HANDGUN SURRENDER NOTICE** was received at command.

**UNIFORMED MEMBER ASSIGNED**

4. Respond to licensee's address and request surrender of **Handgun License** and handgun(s) indicated on **HANDGUN SURRENDER NOTICE**.
   a. Attempt to make visits at times other than during the second platoon (e.g., 4 x12's, weekends, etc.), if necessary.
   b. Contact the License Division for further direction if licensee refuses to surrender handgun(s) after **HANDGUN SURRENDER NOTICE** has been served and the licensee offers no evidence or documentation indicating that handgun(s) were legally disposed of.

**COMMANDING OFFICER, LICENSE DIVISION**

5. Confer with the Legal Bureau and Detective Bureau, if necessary, and advise the appropriate course of action.

**UNIFORMED MEMBER ASSIGNED**

6. Complete and sign three copies of **HANDGUN SURRENDER NOTICE** and distribute as follows:
   a. ORIGINAL – Precinct concerned
   b. COPY 1 – License Division
   c. COPY 2 – Receipt to licensee.
7. Prepare **PROPERTY CLERK INVOICE (PD521-141)** utilizing the Property and Evidence Tracking System, and process handgun(s) as per provisions of *P.G. 218-23, "Processing Firearms and Firearm-Related Evidence,"* if handgun(s) is among items surrendered.
   a. Include the following notation under "Remarks" on **PROPERTY CLERK INVOICE**:

**UNIFORMED MEMBER ASSIGNED (continued)**

"HANDGUNS SHALL NOT BE RELEASED WITHOUT WRITTEN AUTHORIZATION OF THE COMMANDING OFFICER, LICENSE DIVISION."

8. Attempt to obtain new address if licensee no longer resides or is employed at address indicated on **HANDGUN SURRENDER NOTICE**.
   a. Enter new address on **HANDGUN SURRENDER NOTICE RESPONSE (PD641-123A)**.
   b. Serve **HANDGUN SURRENDER NOTICE** if new address is located within the confines of command.
      (1) If new address is not within confines of command, enter all information on **HANDGUN SURRENDER NOTICE RESPONSE** and return to License Division.
   c. Enter relevant information on **HANDGUN SURRENDER NOTICE RESPONSE** if new address cannot be obtained.
9. Prepare **COMPLAINT REPORT WORKSHEET (PD313-152A)** and refer to detective squad when:
   a. Handgun is lost or stolen and has not been previously reported as such
   b. Member suspects licensee still resides or is employed at location and is intentionally avoiding service of **HANDGUN SURRENDER NOTICE**
   c. Member believes handguns may have been used in commission of a crime.
      (1) Forward **REQUEST FOR LABORATORY EXAMINATION REPORT (PD521-168)** and handgun to Firearms Analysis Section for analysis with a copy of **COMPLAINT REPORT**.
10. Complete all relevant sections on **HANDGUN SURRENDER NOTICE RESPONSE**.
11. Deliver copies of the **HANDGUN SURRENDER NOTICE** and **HANDGUN SURRENDER NOTICE RESPONSE** to commanding officer.
   a. Include the following items, if obtained:
      (1) **Handgun License**
      (2) "Assigned Investigator" copy of **PROPERTY CLERK INVOICE**
      (3) Photocopy of **COMPLAINT REPORT**
      (4) Any other substantiating documentation.
12. Make complete entry of relevant facts in digital **Activity Log**.

**COMMANDING OFFICER**

13. Endorse **HANDGUN SURRENDER NOTICE RESPONSE**.
14. Forward copies of **HANDGUN SURRENDER NOTICE** and **HANDGUN SURRENDER NOTICE RESPONSE**, along with the following items, if obtained, to License Division:
   a. **Handgun License**
   b. Assigned Investigator copy of **PROPERTY CLERK INVOICE**
   c. Photocopy of **COMPLAINT REPORT**
   d. Any other substantiating documentation.

***ADDITIONAL DATA***

*OPERATIONAL CONSIDERATIONS*

*A handgun licensee may legally dispose of a properly registered handgun by sale to a licensed New York State gun dealer, or to a person authorized to possess handguns, or by surrendering for safekeeping to a police agency. Such information must be entered on* ***HANDGUN SURRENDER NOTICE RESPONSE****.*

*In cases where the licensee is believed to have relocated outside of the City of New York, License Division personnel will notify the appropriate agency.*

***RELATED PROCEDURES***

*Voluntary Surrender of Weapons with Written Notice (P.G. 207-26)*
*Voluntary Surrender of Weapons without Prior Written Notice (P.G. 207-27)*
*Invoicing Property – General Procedure (P.G. 218-01)*
*Processing Firearms and Firearm-Related Evidence (P.G. 218-23)*
*Rifle/Shotgun Permit Suspended, Revoked, Disapproved (P.G. 212-85)*

***FORMS AND REPORTS***

***COMPLAINT REPORT WORKSHEET (PD313-152A)***
***PROPERTY CLERK INVOICE (PD521-141)***
***REQUEST FOR LABORATORY EXAMINATION REPORT (PD521-168)***
***HANDGUN SURRENDER NOTICE (PD641-123)***
***HANDGUN SURRENDER NOTICE RESPONSE (PD641-123A)***
***Handgun License***

NYPD

| Section: Property - General | Procedure No: 218-46 |
|---|---|

# PROCESSING OF FOUND PROPERTY RECOVERED BY SCHOOL SAFETY AGENTS IN FACILITIES OR ON PROPERTY OWNED BY THE DEPARTMENT OF EDUCATION

| DATE ISSUED: | DATE EFFECTIVE: | REVISION NUMBER: | PAGE: |
|---|---|---|---|
| 01/08/20 | 01/08/20 | | 1 of 3 |

**PURPOSE** To record and process found property recovered by a school safety agent, in facilities or on property owned by the Department of Education.

**DEFINITIONS** FOUND PROPERTY - Any lost article.
CONTRABAND - Items which are prohibited by the Penal Law and Administrative Code; such items include but are not limited to firearms, narcotics, marijuana, box cutters, and switchblades.
NON-CONTRABAND - Items which are not prohibited by the Penal Law and Administrative Code; such items include, but are not limited to personal stereos, CD players, metrocards, clothing and bookbags. Items which may violate the Chancellor's or school rules, e.g., marking pens, will also be categorized as non-contraband.

**PROCEDURE** Upon coming into possession of found property in facilities or on property owned by the Department of Education, whether on or off duty:

**SCHOOL SAFETY AGENT**

1. Examine the found property and ascertain whether it is contraband, evidence, dangerous to health and safety, or is U.S. currency valued at $10.00 or more, to determine who will take custody of the property.
   a. Identify owner if possible.

***NOTE*** *The owner of a found NYC Transit metrocard may be identified through the records maintained by the transportation coordinator in each school.*

2. Make complete **ACTIVITY LOG (PD112-145)** entries to include:
   a. Circumstances of recovery
   b. Detailed description of the found property
   c. Name, address, and telephone number of person (if other than school safety agent) who recovered and returned found property
   d. Name, shield number, and command of uniformed member of the service taking custody of found property, when applicable.

***NOTE*** *If the property is readily identifiable as belonging to a student or staff member, such property can be retained by the school safety agent and returned to its rightful owner who will then acknowledge receipt by signing the school safety agent's **ACTIVITY LOG**.*

*When property is recovered and turned over to a school safety agent, the agent will request that the finder sign the agent's **ACTIVITY LOG**. In all instances when the finder refuses, the school safety agent will indicate such below the property description in their **ACTIVITY LOG** and then request that the School Safety Agent III/ School Safety Supervisor, or neighborhood coordination sergeant respond. Supervisor will then sign the agent's **ACTIVITY LOG**.*

**SCHOOL SAFETY AGENT**

3. Notify:
   a. The School Safety Agent III/ School Safety Supervisor, or neighborhood coordination sergeant and/or principal, as soon as possible
   b. The School Safety Division Operations Center in all cases and provide information obtained in step 2
   c. The precinct patrol supervisor, if firearm, other contraband, evidence, or U.S. currency valued at $10.00 or more is involved and neighborhood coordination sergeant is not available.

**SCHOOL SAFETY DIVISION OPERATIONS CENTER PERSONNEL**

4. Enter in the criminal incident database a description of the found property, the names of the finder, supervisor notified, and school safety agent.
   a. Assign a control/safety incident number.

**SCHOOL SAFETY AGENT**

5. Enter in **ACTIVITY LOG** the name of the person notified at the School Safety Division Operations Center and the control/safety incident number assigned.
6. Deliver non-contraband, non-evidence property, including U.S. currency valued at less that $10.00, to the school principal or designee and request that they sign **ACTIVITY LOG**.

***NOTE*** *If either refuses to accept property and/or sign the **ACTIVITY LOG**, then contact the School Safety Agent III/ School Safety Supervisor or neighborhood coordination sergeant. In this situation, the property will be safeguarded by the receiving agent until it is taken into possession by a uniformed member of the service who will invoice said property.*

IF RECOVERED FOUND PROPERTY IS A FIREARM OR OTHER TYPE OF CONTRABAND, EVIDENCE, OR U.S. CURRENCY VALUED AT $10.00 OR MORE

**SCHOOL SAFETY AGENT**

7. Safeguard property until delivered to precinct uniformed personnel.

***NOTE*** *All firearms should be considered loaded and operable. **DO NOT** touch, disturb, or move a firearm in any way unless absolutely necessary (e.g., large crowd gathering, rendering aid to a victim, etc.) **DO NOT** attempt to unload a firearm.*

*A bookbag, briefcase, purse, wallet, etc., found to contain any contraband property, must be invoiced along with the contraband property.*

**SCHOOL SAFETY AGENT III/ SCHOOL SAFETY SUPERVISOR**

8. Respond to location:
   a. Verify **ACTIVITY LOG** entry.
   b. Ensure that non-contraband, non-evidence property, including U.S. currency valued at less than $10.00 has been delivered to the principal or designee.
9. Notify the neighborhood coordination sergeant to respond and take possession of any firearm, contraband, evidence, or U.S. currency valued at $10.00 or more.

***NOTE*** *The School Safety Agent III/ School Safety Supervisor will notify the precinct patrol supervisor if any of these items are involved and the neighborhood coordination sergeant is not available.*

**NEIGHBORHOOD COORDINATION SERGEANT/ PATROL SUPERVISOR**

10. Respond to location:
    a. Take custody of firearm, other contraband, evidence, or U.S. currency valued at $10.00 or more
    b. Assign a precinct uniformed member of the service to invoice the firearm, other contraband, evidence, or U.S. currency valued at $10.00 or more
    c. Ensure that any necessary reports are prepared.

***RELATED PROCEDURES***

*Confiscation Of New York City Transit Student MetroCards (P.G. 215-15)*
*Police Actions, Related Questioning, Arrests, and Investigations at a NYC Department of Education School/Property (P.G. 215-17)*
*Search Protocols For School Safety Agents (P.G. 215-18)*

***FORMS AND REPORTS***

***ACTIVITY LOG (PD112-145)***

NYPD

# PATROL GUIDE

| Section: Property - General | | Procedure No: 218-48 | |
|---|---|---|---|
| **VEHICLE SEIZURE AT TIME OF ARREST** | | | |
| DATE ISSUED: 08/01/13 | DATE EFFECTIVE: 08/01/13 | REVISION NUMBER: | PAGE: 1 of 2 |

**PURPOSE** To ensure the opportunity for a post-seizure retention hearing for those individuals from whom a vehicle is seized, or the lawful owner of such vehicle.

**PROCEDURE** Whenever a vehicle is taken into custody where the vehicle operator was arrested for a crime, members of the service will comply with the following procedure:

**ARRESTING OFFICER**

1. Prepare **PROPERTY CLERK INVOICE (PD521-141)** utilizing the Property and Evidence Tracking System as indicated in *P.G. 218-19, "Invoicing Vehicles/Property as Arrest/Investigatory Evidence or for Forfeiture Proceedings or to Determine True Owner."*
2. Print and complete **VEHICLE SEIZURE FORM (PD571-1218)** utilizing Property and Evidence Tracking System.
3. Insert precinct vehicle seizure number obtained from the **COMMAND VEHICLE SEIZURE INDEX (PD571-091)** on the **VEHICLE SEIZURE FORM** in caption indicated.
4. Have defendant/operator sign the **VEHICLE SEIZURE FORM** to acknowledge receipt.
   a. If defendant/operator refuses to sign, note refusal on form.

**DESK OFFICER**

5. Verify **VEHICLE SEIZURE FORM** for accuracy and completeness, and have arresting officer sign.

**ARRESTING OFFICER**

6. Sign **VEHICLE SEIZURE FORM** and issue a copy to the defendant/operator.
7. Fax completed **PROPERTY CLERK INVOICE** along with copy of **VEHICLE SEIZURE FORM** to Vehicle Seizure Unit, Legal Bureau.
   a. Document fax transmittal in Telephone Record.
8. Provide Assistant District Attorney preparing the criminal court complaint with a copy of completed **VEHICLE SEIZURE FORM**.
9. Forward the following in the next day's A.M. Department mail to the Legal Bureau, Vehicle Seizure Unit, 2 Lafayette Street, 5th Floor, New York, New York:
   a. Original copy of **VEHICLE SEIZURE FORM**
   b. Copy of **PROPERTY CLERK INVOICE**
   c. Copy of signed criminal court complaint
   d. Copy of **Police Accident Report (MV104AN)**, if applicable.

**DESK OFFICER**

10. Ensure that five photocopies of the **VEHICLE SEIZURE FORM** are made and distributed as follows:
    a Defendant
    b. Assistant District Attorney
    c. Invoicing Officer
    d. Arresting Officer

TYPED

**DESK OFFICER (continued)**

e. Civil Enforcement Unit

f. Make a Command Log entry indicating the name and address of the person served, whether he/she refused or signed the form and the name and shield number of the officer who served the form.

**EVIDENCE/ PROPERTY CONTROL SPECIALIST**

11. Collect and maintain copy of **VEHICLE SEIZURE FORMS**.

***ADDITIONAL DATA***

*OPERATIONAL CONSIDERATIONS*

*Vehicles registered or titled to third parties (e.g. defendant's parents, spouse, friends, relatives, or business entities) are generally not seized for forfeiture unless a beneficial ownership situation exists or some specific knowledge on the part of that third party owner can be proven. If evidence of this knowledge exists (such as statements or other indications of ownership by the defendant), it must be indicated in the "Remarks" section of the* ***PROPERTY CLERK INVOICE****.*

*A* ***COMMAND VEHICLE SEIZURE INDEX*** *will be maintained in a binder at the desk of all commands that process arrests.*

*DEPARTMENT POLICY*

*Commanding officers will ensure that compliance with the guidelines set forth in this procedure become part of the command's self inspection program which will be monitored by the Quality Assurance Division. This self inspection is mandatory and to be performed monthly.*

***RELATED PROCEDURE***

*Invoicing Vehicles/Property as Arrest/Investigatory Evidence or for Forfeiture Proceedings or to Determine True Owner (P.G. 218-19)*

***FORMS AND REPORTS***

***COMMAND VEHICLE SEIZURE INDEX (PD571-091)***
***PROPERTY CLERK INVOICE (PD521-141)***
***VEHICLE SEIZURE FORM (PD571-1218)***
***Police Accident Report (MV104AN)***

| Section: Property - General | | Procedure No: 218-49 | |
|---|---|---|---|
| **IMMEDIATE DELIVERY OF DNA EVIDENCE TO THE POLICE LABORATORY AND THE OFFICE OF THE CHIEF MEDICAL EXAMINER (OCME)** | | | |
| DATE ISSUED: 12/31/15 | DATE EFFECTIVE: 12/31/15 | REVISION NUMBER: | PAGE: 1 of 4 |

**PURPOSE** To provide a standard procedure for the immediate delivery of DNA evidence from the invoicing precinct, PSA and transit district command direct to the Police Laboratory, and subsequently, immediately and directly to the Office of Chief Medical Examiner (OCME).

**PROCEDURE** When circumstances exist that require the immediate delivery of DNA evidence from the invoicing precinct, PSA and transit district command direct to the Police Laboratory, and subsequently, immediately and directly to the Office of Chief Medical Examiner (OCME):

**DETECTIVE SUPERVISOR**

1. Determine whether circumstances exist that require the immediate delivery of DNA evidence including Sexual Offense Evidence Collection Kits direct to the Police Laboratory, and subsequently, the immediate delivery of the DNA evidence including Sexual Offense Evidence Collection Kits from the Police Laboratory direct to the Office of Chief Medical Examiner (OCME) for expeditious analysis based upon:
   a. A conferral with the "catching/assigned" investigator; and,
   b. A conferral with the Crime Scene Unit personnel or Evidence Collection Team personnel who collected the DNA evidence, other forensic evidence and investigative evidence; and,
   c. The type of crime (e.g., pattern rape), and the nature of the perpetrator (e.g., violent rapist), and the results of the investigation (e.g., unidentified perpetrator), and other relevant circumstances.
2. Confer with Forensic Investigations Division (FID) OCME Liaison Unit personnel and, if available, the Detective Borough DNA Coordinator, regarding the circumstances requiring the **IMMEDIATE** delivery of the DNA evidence including Sexual Offense Evidence Collection Kits **DIRECT** to the Police Laboratory, and subsequently, the **IMMEDIATE** delivery of the DNA evidence including Sexual Offense Evidence Collection Kits from the Police Laboratory **DIRECT** to the OCME for expeditious analysis.
   a. If no FID OCME Liaison Unit personnel are available, confer with a Police Laboratory Evidence Control Supervisor.
   b. If the Detective Borough DNA Coordinator is not available, confer with the Detective Borough DNA Coordinator as soon as possible.
3. Confer with the desk officer, and:
   a. Explain the circumstances requiring the **IMMEDIATE** delivery of the DNA evidence **DIRECT** to the Police Laboratory, and subsequently, the **IMMEDIATE** delivery of the DNA evidence from the Police Laboratory **DIRECT** to the OCME Evidence Unit
   b. Request that a uniformed member of the service be directed to **IMMEDIATELY** deliver the DNA evidence **DIRECT** to the Police Laboratory, and subsequently, to **IMMEDIATELY**

**DETECTIVE SUPERVISOR (continued)**

deliver the DNA evidence from the Police Laboratory **DIRECT** to the OCME Evidence Unit.

4. Follow-up to ensure that the DNA evidence was **IMMEDIATELY** delivered **DIRECT** to the Police Laboratory, and subsequently, the DNA evidence was **IMMEDIATELY** delivered from the Police Laboratory **DIRECT** to the OCME Evidence Unit.

**DESK OFFICER**

5. Create a **PROPERTY TRANSFER REPORT (PD521-1412)** utilizing the Property and Evidence Tracking System, ensuring all DNA evidence is appropriately entered in compliance with Department procedures.

**MEMBER OF THE SERVICE DELIVERING DNA EVIDENCE**

6. Review **PROPERTY TRANSFER REPORT** and digitally sign **REPORT**.

**DESK OFFICER**

7. Digitally sign **PROPERTY TRANSFER REPORT** verifying accuracy and completeness.
8. Make an entry in Command Log including:
   a. All **PROPERTY CLERK INVOICE (PD521-141)** numbers.
   b. Rank, name and tax number of the member of the service delivering the DNA evidence.
   c. Department vehicle number of the assigned vehicle.
9. Direct a uniformed member of the service to **IMMEDIATELY** deliver the DNA evidence **DIRECT** to the Police Laboratory, and subsequently, to **IMMEDIATELY** deliver the DNA evidence from the Police Laboratory **DIRECT** to the OCME Evidence Unit.

**MEMBER OF THE SERVICE DELIVERING DNA EVIDENCE**

10. **Immediately** deliver the DNA evidence **direct** to the Police Laboratory.

**POLICE LABORATORY EVIDENCE CONTROL SUPERVISOR**

11. Inspect the DNA evidence, and ensure:
    a. The DNA evidence is properly packaged and sealed.
    b. Each DNA evidence container / package is properly listed on an appropriate **PROPERTY CLERK INVOICE**.
    c. Each **PROPERTY CLERK INVOICE** is listed on an appropriate **PROPERTY TRANSFER REPORT**.
    d. All Department forms / reports are properly prepared.
    e. All required Department forms, reports, records, etc., are properly attached to the corresponding evidence.
    f. The DNA evidence is probative, **and** requires **immediate** delivery **direct** to the OCME Evidence Unit.

**POLICE LABORATORY EVIDENCE CONTROL SUPERVISOR (continued)**

g. If accurate confirm acceptance of **PROPERTY TRANSFER REPORT** in Property and Evidence Tracking System.

12. Assign an appropriate "Police Laboratory Number" to **each INVOICE**.
13. Print completed **PROPERTY TRANSFER REPORT**.
14. File the completed **PROPERTY TRANSFER REPORT** appropriately.

**MEMBER OF THE SERVICE DELIVERING DNA EVIDENCE**

15. Create a **PROPERTY TRANSFER REPORT** utilizing the Property and Evidence Tracking System, ensuring all DNA evidence is appropriately entered.
16. Review **PROPERTY TRANSFER REPORT** and digitally sign **REPORT**.

**POLICE LABORATORY SUPERVISOR**

17. Digitally sign **PROPERTY TRANSFER REPORT**.
18. Direct member of the service to **IMMEDIATELY** deliver the DNA evidence **DIRECT** to the OCME Evidence Unit.

**MEMBER OF THE SERVICE DELIVERING DNA EVIDENCE**

19. **Immediately** deliver the DNA evidence **direct** to the OCME Evidence Unit.
20. If the OCME Evidence Unit refuses to accept one or more DNA evidence containers /packages, notify:
    a. A Police Laboratory Evidence Control Supervisor; **and**,
    b. When applicable, an appropriate Detective Supervisor.

**OCME EVIDENCE UNIT PERSONNEL**

21. Perform intake utilizing the Property and Evidence Tracking System.
22. Confirm acceptance of **PROPERTY TRANSFER REPORT** in Property and Evidence Tracking System utilizing user name and password.
23. Print five copies of the **PROPERTY TRANSFER REPORT ACCEPTANCE DOCUMENT (PD521-172)** for each **PROPERTY TRANSFER REPORT** accepted.
    a. Provide three copies to Messenger.
    b. Retain two copies for OCME use.

**MEMBER OF THE SERVICE DELIVERING DNA EVIDENCE**

24. Obtain three copies of the **PROPERTY TRANSFER REPORT ACCEPTANCE DOCUMENT** for **each PROPERTY TRANSFER REPORT**.
25. Telephone the Police Laboratory Evidence Control Section, and confer with a supervisor.
    a. Provide the Evidence Control Section personnel with the OCME Evidence Unit "Evidence Control Number" assigned to **each INVOICE** listed on **each PROPERTY TRANSFER REPORT**.
26. Deliver all copies of the **PROPERTY TRANSFER REPORT ACCEPTANCE DOCUMENT** to the desk officer.

DRAFT

**DESK OFFICER**

27. File two copies of **each PROPERTY TRANSFER REPORT ACCEPTANCE DOCUMENT**.
28. **Immediately** deliver the copy of **each PROPERTY TRANSFER REPORT ACCEPTANCE DOCUMENT direct** to an appropriate Detective Supervisor.

**DETECTIVE SUPERVISOR**

29. Ensure the copy of **each PROPERTY TRANSFER REPORT ACCEPTANCE DOCUMENT** that lists DNA evidence is immediately placed in the appropriate case file.
30. Ensure a **COMPLAINT FOLLOW-UP INFORMATIONAL (pink) (PD313-081A)** is prepared and placed in the appropriate case file indicating the:
    a. Date and time of delivery of **all** DNA evidence delivered to the OCME Evidence Unit; and,
    b. Police Laboratory "Police Laboratory Number" and OCME Evidence Unit "Evidence Control Number" for **all** DNA evidence delivered to the OCME Evidence Unit.

***RELATED PROCEDURE***

*Delivery of Evidence to the Police Laboratory (P.G. 218-04)*

***FORMS AND REPORTS***

***PROPERTY CLERK INVOICE (PD521-141)***
***PROPERTY TRANSFER REPORT (PD521-1412)***
***PROPERTY TRANSFER REPORT ACCEPTANCE DOCUMENT (PD521-172)***
***COMPLAINT FOLLOW-UP INFORMATIONAL (pink) (PD313-081A)***

NYPD

| Section: Property - General | | Procedure No: 218-51 | |
|---|---|---|---|
| **SUSPECT EVIDENCE COLLECTION KITS** | | | |
| DATE ISSUED: 08/18/20 | DATE EFFECTIVE: 08/18/20 | REVISION NUMBER: | PAGE: 1 of 4 |

**PURPOSE** To ensure that Suspect Evidence Collection Kits are properly collected and processed for subsequent analysis.

**DEFINITIONS** SUSPECT EVIDENCE COLLECTION KIT – a kit used by medical personnel in hospitals to gather probative forensic evidence from a suspect or arrestee.

**PROCEDURE** When a suspect/arrestee may have probative forensic evidence physically on their person or clothing:

**ASSIGNED INVESTIGATOR**

1. Determine if suspect/arrestee may have probative forensic evidence on his/her person or clothing.
   a. Evidence appropriate for collection includes, but is not limited to: clothing and underwear, body debris, secretions, bite marks, fingernail scrapings, chest hair, head hair, facial hair, pubic hair, buccal swabs, and swabs from oral, penile, scrotal, vaginal and anal areas
   b. When appropriate, photograph the suspect/arrestee's physical features, wounds, clothing, tattoos, distinguishing marks, etc.
2. When probative forensic evidence may be physically present on a suspect/ arrestee or his/her clothing, take measures to protect the forensic evidence from alteration, loss, cross transfer, contamination or change to existing physical state.
   a. When applicable, prevent the suspect/arrestee from washing hands, bathing or otherwise altering, losing or destroying forensic evidence on his/her person
   b. Prevent the suspect/arrestee from putting on or removing clothing.
3. Obtain a voluntary consent from the suspect/arrestee for trained hospital personnel to conduct a forensic evidence examination.
   a. Prepare **CONSENT TO SUSPECT EVIDENCE COLLECTION KIT (PD321-031)**
   b. Request **CONSENT TO SUSPECT EVIDENCE COLLECTION KIT** be signed by the suspect/arrestee
   c. If consent is not obtained, contact the Legal Bureau to determine the appropriate course of action. If necessary, the Legal Bureau will contact the District Attorney's Office to request an application for a court order.
4. Escort the suspect/arrestee to a designated hospital.
   a. DO NOT escort the suspect/arrestee to the same hospital where victim is being treated.
5. Alert the New York City Health and Hospital Corporation (HHC) hospital before bringing a suspect for a Suspect Evidence Collection Kit examination and request the Sexual Assault Response Team (SART) be alerted with an estimated arrival time.

**ASSIGNED INVESTIGATOR (continued)**

6. Prior to the forensic examination, confer with the trained medical personnel in a private area not in the presence of the suspect/arrestee.
   a. Inform the medical personnel of the authority to conduct the forensic examination (i.e., consent, court order)
   b. Explain the facts and circumstances of the investigation
   c. Explain the need to look for any wounds, injuries, tattoos, scars, or other unique features
   d. Describe the potential probative forensic evidence that may be on the suspect/arrestee (e.g., scratch marks, bite marks, semen, blood, etc.)
   e. Explain the need to collect specific evidence exemplars.
7. Ensure an investigator of the same sex as the suspect/arrestee remains with the suspect during the examination and evidence collection process.
8. Document any statements made by the suspect during the examination and evidence collection process.
9. DO NOT collect a separate DNA Suspect Exemplar using a NYPD DNA Exemplar Collection Kit when a suspect/arrestee provides a DNA Exemplar as part of the Suspect Evidence Collection Kit.
10. Upon completion of medical examination, take possession of the Suspect Evidence Collection Kit from trained medical personnel.
    a. Obtain copy of the completed **New York City Health and Hospitals Corporation Sexual Assault Suspect Examination (HHC2617)** prepared by the hospital personnel.
11. Transport the properly marked, packaged and sealed Suspect Evidence Collection Kit to the detective squad, precinct of occurrence.
12. Prepare **COMPLAINT REPORT (PD313-152)**, if not previously prepared.
13. Attach copy of the **COMPLAINT REPORT** to the Suspect Evidence Collection Kit.
    a. When applicable, attach a copy of the **COMPLAINT REPORT** to any related DNA evidence and/or other probative forensic and/or investigative evidence.
14. Prepare a separate **PROPERTY CLERK INVOICE (PD521-141)** utilizing the Property and Evidence Tracking System for <u>each</u> Suspect Evidence Collection Kit, and DO NOT invoice any other evidence on the **INVOICE** listing the Suspect Evidence Collection Kit.
    a. In the *"ARTICLE"* caption of the **INVOICE** enter "Suspect Evidence Collection Kit."
15. Prepare one or more separate **PROPERTY CLERK INVOICE(S)** for any other associated/related forensic evidence (e.g., suspect/arrestee's jacket, dungarees, etc.).
    a. Enter <u>all</u> associated/related numbers into Property and Evidence Tracking System.
16. Enter the **INVOICE** number, **COMPLAINT REPORT** number and arrest number(s), if any, on the cover of the Suspect Evidence Collection Kit.

**DETECTIVE SUPERVISOR**

17. Supervise evidence invoicing procedures.
18. Ensure required Biohazard Labels are properly utilized.
19. Review each **PROPERTY CLERK INVOICE** and each **REQUEST FOR LABORATORY EXAMINATION REPORT (PD521-168)** to ensure all captions are properly prepared and all required information is accurately entered thereon.
20. Digitally sign each **INVOICE** and each **REQUEST** in the supervisor's caption verifying accuracy and completeness.
21. Ensure appropriate copies of all **INVOICES** and all **REQUESTS** are placed in the investigating officer's case file.
22. Ensure a **COMPLAINT FOLLOW-UP INFORMATIONAL (PD313-081A)** is prepared and placed in the case file indicating the:
    a. Date and time of receipt by the Police Laboratory of all Suspect Evidence Collection Kits
    b. Police Laboratory "Police Laboratory Number" for all Suspect Evidence Collection Kits.

***ADDITIONAL DATA***

*OPERATIONAL CONSIDERATIONS*

*All associated/related evidence must be readily identifiable and retrievable from the Police Laboratory, Office of the Chief Medical Examiner (OCME), Property Clerk Division, etc. Members of the service must enter ALL associated/related* ***PROPERTY CLERK INVOICE*** *serial numbers on the* ***PROPERTY CLERK INVOICE****. Failure to do so may result in disciplinary action.*

*LEGAL CONSIDERATIONS*

*Neither consent nor a court order is necessary to invoice a suspect's clothing (including underwear) or document/photograph a suspect's physical features (e.g., bite marks, tattoos, etc.).*

*AUTHORIZED HOSPITALS TO PROCESS SUSPECT/ARRESTEES:*

*Manhattan*
- *Harlem Hospital Center*
- *Metropolitan Hospital*

*Queens*
- *Queens Hospital Center*

*Brooklyn*
- *Kings County Hospital Center*
- *Woodhull Medical and Mental Health Hospital*
- *Coney Island Hospital*

*Bronx*
- *North Central Bronx*
- *Jacobi Medical Center*
- *Lincoln Medical Center*

***FORMS AND REPORTS***

***COMPLAINT REPORT (PD313-152)***
***COMPLAINT FOLLOW-UP INFORMATIONAL (PD313-081A)***
***CONSENT TO SUSPECT EVIDENCE COLLECTION KIT (PD321-031)***
***PROPERTY CLERK INVOICE (PD521-141)***
***REQUEST FOR LABORATORY EXAMINATION REPORT (PD521-168)***
***New York City Health and Hospitals Corporation Sexual Assault Suspect Examination (HHC2617)***

NYPD

**PURPOSE** To establish a standard procedure to invoice fireworks coming into custody of a uniformed member of the service.

**DEFINITION** FIREWORKS EVIDENCE - consists of bags, boxes and/or loose items of fireworks.

HEAVY DUTY BAG (FOR FIREWORKS) – a specific Department issued clear vinyl bag used for the collection and storage of loose fireworks.

**PROCEDURE** When fireworks evidence is invoiced:

**INVOICING OFFICER**

1. Take two sets of photographs of the fireworks evidence (one set for Assistant District Attorney and one set to be invoiced as arrest evidence, including if a summons is issued in lieu of arrest).
   a. If evidence consists of a large seizure of sealed boxes, provide overall photographs of the boxed fireworks.
      (1) Open one box, remove and display contents for photographing
      (2) Photograph displayed fireworks evidence
      (3) Repack and seal with Evidence Tape any box which has been opened.
2. Provide Assistant District Attorney with photograph(s).
   a. If a **DESK APPEARANCE TICKET** is issued, include photographs with arrest paperwork and note on **ARREST CHECKLIST (PD244-041)**.
3. Create **PROPERTY CLERK INVOICE (PD521-141)**, utilizing the Property and Evidence Tracking System for photographs taken as arrest evidence, including if a summons is issued in lieu of arrest.
   a. Include on **PROPERTY CLERK INVOICE** any associated paperwork (e.g., "price lists," sales receipts, bills of lading or other shipping papers of an evidentiary nature, etc.).
4. Create a separate **PROPERTY CLERK INVOICE**, utilizing the Property and Evidence Tracking System for fireworks evidence.
5. Ensure that all fields on each **INVOICE** prepared are completely, accurately, and precisely entered.
6. Ensure the following information is correctly entered on each **INVOICE** prepared:
   a. **COMPLAINT REPORT (PD313-152)** number
   b. **ON LINE BOOKING SYSTEM ARREST REPORT (PD244-159)** arrest number
   c. Charge/offense under investigation
   d. Indicate the unit case number in the "Remarks" section of **INVOICE**, if a seizure is related to an undercover operation utilizing "buys" to develop an ongoing investigation.

**INVOICING OFFICER (continued)**

7. Place all loose fireworks (i.e., any items not contained in a factory sealed cardboard box) into Department issued "Heavy Duty Bags (For Fireworks)" and close bag(s) with specific seal(s) provided.
8. Ensure bag is not overfilled to allow room for sealing.
9. Ensure items such as "party snaps," "cracker balls," "torpedoes" or any other firework that explodes upon impact are separated from other fireworks.
   a. A chain reaction could occur if these sensitive items were to explode in proximity to other fireworks.
10. Do not reopen bag(s) once they have been sealed.
11. Enter the quantity of sealed bag(s) of loose fireworks evidence in the quantity on the "Article" screen when entering the **PROPERTY CLERK INVOICE**.
    a. Select "BAG(S)" in the drop down menu under "Assorted Fireworks sealed in" and enter "Loose fireworks" in the "Additional Description" field.
    b. Do not individually count or describe various types of fireworks seized.
12. Enter the quantity of sealed bag(s) of fireworks in the quantity field on the "Article" screen when entering the **PROPERTY CLERK INVOICE**.
    a. Select "BAG(S)" in the drop down menu under "Assorted Fireworks sealed in."
    b. Do not individually count or describe various types of fireworks seized.
13. Enter the quantity of sealed box(es) of fireworks in the quantity field on the "Article" screen when entering the **PROPERTY CLERK INVOICE**
    a. Select "Box(es)" in the drop down menu under "Assorted Fireworks sealed in."
    b. Do not individually count or describe various types of fireworks seized.
14. Attach a photocopy of **PROPERTY CLERK INVOICE** to <u>each</u> sealed bag or box of fireworks evidence associated with the same arrest.
    a. In the event of a large seizure of fireworks evidence, a minimum of ten bags or boxes must have copies of the **PROPERTY CLERK INVOICE** attached.
15. Securely attach a photocopy of the **ON LINE BOOKING SYSTEM ARREST REPORT** to the **PROPERTY CLERK INVOICE** for fireworks evidence.
16. Securely attach a photocopy of any related **PROPERTY CLERK INVOICE(S)** prepared to the **PROPERTY CLERK INVOICE** for fireworks evidence.

**DESK OFFICER**

17. Ensure **PROPERTY CLERK INVOICE** is properly prepared for fireworks evidence.
18. Ensure a photocopy of **PROPERTY CLERK INVOICE** is attached to <u>each</u> sealed bag or box of fireworks evidence associated with the same arrest.

**DESK OFFICER (continued)**

a. In the event of a large seizure of fireworks evidence, a minimum of ten bags or boxes must have copies of the **PROPERTY CLERK INVOICE** attached.

19. Contact the Bomb Squad Range (Rodman's Neck) Monday through Friday, 0700 through 1500, for instructions regarding the delivery of fireworks to the Rodman's Neck facility.
    a. Contact the Bomb Squad Office at all other times or in the event Range personnel are unavailable.
20. Follow the instructions of the Bomb Squad member receiving the notification as to the time and manner in which the fireworks are to be delivered to the Rodman's Neck Bomb Squad facility (see *"ADDITIONAL DATA"* for more information on safely transporting fireworks in Department vehicles).
21. Make a Telephone Record entry of date, time and name of Bomb Squad member notified.
22. Ensure all fireworks are properly transferred to the Bomb Squad, utilizing the Property and Evidence Tracking System, and create a **PROPERTY TRANSFER REPORT (PD521-1412)**.
23. Make a Command Log entry regarding the delivery of fireworks evidence to the Rodman's Neck facility and include the following:
    a. List of **PROPERTY CLERK INVOICE** numbers being delivered to Rodman's Neck Bomb Squad facility
    b. Name and shield number of member(s) of the service delivering fireworks evidence
    c. Department vehicle number(s) used in transportation.
24. Ensure two copies of the **PROPERTY CLERK INVOICE** remain with the fireworks delivery.
    a. Delivering member will receive the **PROPERTY TRANSFER REPORT ACCEPTANCE DOCUMENT (PD521-172)**, with assigned Bomb Squad case number, as a receipt upon delivery of fireworks to the Rodman's Neck facility.
25. Ensure that an adequate number of Department issued "Heavy Duty Bags (For Fireworks)" are on hand for the safe packaging of loose fireworks evidence.
    a. Additional "Heavy Duty Bags (For Fireworks)" may be obtained from the Quartermaster Section as required.

**MEMBER OF THE SERVICE DELIVERING FIREWORKS**

26. Deliver fireworks evidence and associated **PROPERTY CLERK INVOICE(S)** to the Bomb Squad Rodman's Neck facility as directed by desk officer (see *"ADDITIONAL DATA"* for more information on safely transporting fireworks in Department vehicles).
27. Return **PROPERTY TRANSFER REPORT ACCEPTANCE DOCUMENT** and copy of **Bomb Squad Fireworks Supporting Deposition** supplied by the Bomb Squad to desk officer upon return to command.

**DESK OFFICER** 28. Have copies of **PROPERTY CLERK INVOICE** for fireworks evidence and **Bomb Squad Fireworks Supporting Deposition** filed in member's arrest folders upon receipt.

***ADDITIONAL DATA***

*OPERATIONAL CONSIDERATIONS*

*All loose fireworks must be placed and sealed only in the Department issued "Heavy Duty Bags (For Fireworks)." The use of any other bag (e.g., peddler, garbage, recycling, etc.) is strictly prohibited.*

*Members of the service must always carefully follow all safety procedures when handling and/or transporting fireworks. The improper storage, transportation or handling of fireworks could result in serious injury or even death. Caution must be maintained throughout the entire procedure from seizure to disposal. The following precautions must be adhered to for reasons of personnel safety:*

*a. No smoking within fifty feet of any fireworks.*
*b. Handle all bags and boxes containing fireworks with care.*
*c. The Bomb Squad should be contacted from the scene whenever large seizures are made, whenever an unusual problem arises regarding fireworks or when any question regarding safety arises.*
*d. Large amounts of fireworks should not be stored in any Department facility. All fireworks are to be delivered to the Bomb Squad range facility as soon as practical, or as directed by the Bomb Squad after making the required notification as indicated in step "19" above. Small amounts of fireworks can safely be stored prior to transport by avoiding placement near any source of excessive heat such as radiators and portable heaters.*
*e. Items such as "party snaps," "cracker balls," "torpedoes" or any other fireworks that explode upon impact must be separated from other fireworks. A chain reaction could occur if these sensitive items were to explode in proximity to other fireworks.*
*f. As a general rule, no more than four bags of fireworks should be transported in an RMP. When fireworks are transported in an RMP, they should be placed in the rear seat as this is away from any source of heat or spark. Within Department passenger vans, fireworks should also be placed on the rear bench seats in accordance with the general rule of no more than four bags per seat.*
*g. When transporting fireworks in a Department vehicle all windows should be opened a minimum of two inches to avoid toxic fumes. Fireworks should not be placed in the trunk of a vehicle.*
*h. As a general rule, no more than twenty-five sealed bags or boxes of fireworks should be transported in a Department cargo van.*
*i. Large seizures of fireworks, including any seizure of more than twenty-five sealed bags or boxes should be transported by a closed-body truck with a separate cab and wood cargo floor. The load must also be secured to keep it from shifting during transport. Open rack or barrier trucks will not be used for transporting fireworks.*
*j. Prior to transporting a significant amount of fireworks, the member concerned will, in addition to other required notifications, provide a telephone notification to the New York City Fire Department through the Mayor's Citizen Service Initiative Hotline Number, "311." The Fire Department will provide appropriate fire protection apparatus to escort the shipment.*

***ADDITIONAL DATA (continued)***

*k. When a large seizure of fireworks is delivered to the Bomb Squad range after dark, no unloading of any trucks will take place due to safety considerations. The final decision to load or unload a particular vehicle rests solely with members of the Bomb Squad. Any such shipments will be maintained overnight inside the secure perimeter of the Bomb Squad range and will be emptied and available for pickup by the command concerned as soon as possible.*

*All members of the service are reminded that when handling and transporting fireworks, safety is the top priority.*

***RELATED PROCEDURE***

*Invoicing Property – General Procedure (P.G. 218-01)*

***FORMS AND REPORTS***

***ARREST CHECKLIST (PD244-041)***
***PROPERTY CLERK INVOICE (PD521-141)***
***COMPLAINT REPORT (PD313-152)***
***ON LINE BOOKING SYSTEM ARREST REPORT (PD244-159)***
***PROPERTY TRANSFER REPORT (PD521-1412)***
***PROPERTY TRANSFER REPORT ACCEPTANCE DOCUMENT (PD521-172)***
***DESK APPEARANCE TICKET***
***Bomb Squad Fireworks Supporting Deposition***

NYPD

# PATROL GUIDE

| Section: Property - General | | Procedure No: 218-54 | |
|---|---|---|---|
| **PREPARATION OF REQUEST FOR LABORATORY EXAMINATION REPORT (PD521-168)** | | | |
| DATE ISSUED: 03/04/15 | DATE EFFECTIVE: 03/04/15 | REVISION NUMBER: | PAGE: 1 of 1 |

**PURPOSE** To provide guidelines for the proper preparation of a **REQUEST FOR LABORATORY EXAMINATION REPORT (PD521-168)** utilizing the Property and Evidence Tracking System.

**PROCEDURE** When a **REQUEST FOR LABORATORY EXAMINATION REPORT** is required to be prepared:

**INVOICING OFFICER**

1. Select "YES" to the question, "Is a 'Request for Laboratory Examination' required?'," when preparing a **PROPERTY CLERK INVOICE (PD521-141)**.
2. Select the type of evidence, i.e., "DNA", "Firearms/Firearms Related", "Criminalistics", or "Other".
3. Ensure all of the applicable information is selected/entered in the "DNA ELIMINATION SAMPLES" section.
4. Select and add all Analysis Exam Numbers for each item listed on the **INVOICE**.
5. Digitally sign **REQUEST FOR LABORATORY EXAMINATION REPORT** verifying accuracy and completeness.

**DESK OFFICER**

6. Digitally sign **REQUEST FOR LABORATORY EXAMINATION REPORT** verifying accuracy and completeness.

***ADDITIONAL DATA***

*OPERATIONAL CONSIDERATIONS*

*A **REQUEST FOR LABORATORY EXAMINATION REPORT** must be prepared for each **INVOICE** that lists evidence that will be submitted to the laboratory for analysis.*

*The **REQUEST FOR LABORATORY EXAMINATION REPORT** can also be prepared when a **PROPERTY CLERK INVOICE** has already been completed by selecting the "REQUEST FOR LABORATORY EXAMINATION" tab.*

*Members of the service are reminded that all **REQUEST FOR LABORATORY EXAMINATION REPORTS** are to be prepared utilizing the Property and Evidence Tracking System. If the Property and Evidence Tracking System is off-line prohibiting members from preparing a **REQUEST FOR LABORATORY EXAMINATION REPORT**, members will comply with guidelines set forth in P.G. 218-57, "Invoicing Property Due to Application Failure of the Property and Evidence Tracking System."*

***RELATED PROCEDURE*** *Invoicing Property Due to Application Failure of the Property and Evidence Tracking System (P.G. 218-57)*

***FORMS AND REPORTS*** ***REQUEST FOR LABORATORY EXAMINATION REPORT (PD521-168)***
***PROPERTY CLERK INVOICE (PD521-141)***

**PURPOSE** To properly record retention requests of invoiced property listed on a **PROPERTY CLERK INVOICE (PD521-141)** or a motor vehicle/boat listed on a **PROPERTY CLERK'S MOTOR VEHICLE/BOAT INVOICE (PD521-147)**.

**PROCEDURE** When property/evidence invoiced as Investigatory or DNA Investigatory and held in the custody of the Property Clerk Division is required to be retained longer than one year for property other than motor vehicle/boat or longer than fifteen days for motor vehicle/boat:

FOR PROPERTY THAT HAS BEEN INVOICED UTILIZING THE PROPERTY AND EVIDENCE TRACKING SYSTEM

**ASSIGNED INVESTIGATOR /INVOICING OFFICER**

1. Prepare and submit **REQUEST FOR RETENTION (PD521-169)** utilizing the Property and Evidence Tracking System.
2. Perform a separate **REQUEST FOR RETENTION** for each associated **PROPERTY CLERK INVOICE.**

**PROPERTY CLERK FACILITY CONCERNED**

3. Review **REQUEST FOR RETENTION**.
   a. If retention request is DISAPPROVED, digitally sign **REQUEST FOR RETENTION** and provide explanation for disapproval to assigned investigator/invoicing officer.
   b. If retention request is APPROVED, digitally sign **REQUEST FOR RETENTION** and ensure property/evidence is retained, as appropriate.

FOR PROPERTY THAT HAS BEEN INVOICED PRIOR TO THE IMPLEMENTATION OF THE PROPERTY AND EVIDENCE TRACKING SYSTEM

**ASSIGNED INVESTIGATOR /INVOICING OFFICER**

4. Prepare snap-out version of **RETENTION OF PROPERTY REQUEST (PD521-166)**.
5. Prepare a separate **RETENTION OF PROPERTY REQUEST** for each associated **PROPERTY CLERK INVOICE**.

**DETECTIVE BUREAU SUPERVISOR/ DESK OFFICER**

6. Confer with the assigned investigator and ensure the **RETENTION OF PROPERTY REQUEST** is properly prepared.
7. Review and sign **RETENTION OF PROPERTY REQUEST**.

**ASSIGNED INVESTIGATOR /INVOICING OFFICER**

8. Forward **RETENTION OF PROPERTY REQUEST** as follows:
   a. WHITE and YELLOW– Property Clerk Division (One Police Plaza, Room 208)
   b. BLUE – Assigned Investigator
   c. GREEN – District Attorney's Office
   d. PINK – Invoicing Officer
   e. BUFF – Arresting/Assigned Officer.
9. Immediately place "BLUE – Assigned Investigator" copy of the **RETENTION OF PROPERTY REQUEST** in the case folder.

**PROPERTY CLERK DIVISION MEMBER**

10. Assign and record Property Clerk Division Communications number.
11. Forward "Yellow" copy of **RETENTION OF PROPERTY REQUEST** to Property Clerk storage facility.
12. File "White" copy of **RETENTION OF PROPERTY REQUEST**.

**PROPERTY CLERK STORAGE FACILITY MEMBER**

13. File "Yellow" copy of **RETENTION OF PROPERTY REQUEST** with the "Yellow" copy of the **PROPERTY CLERK INVOICE/PROPERTY CLERK'S MOTOR VEHICLE/BOAT INVOICE**.
14. Enter new retention date in remarks of ORIGINAL "White" copy of the **PROPERTY CLERK INVOICE/PROPERTY CLERK'S MOTOR VEHICLE/BOAT INVOICE**.

***ADDITIONAL DATA***

*OPERATIONAL CONSIDERATIONS*

*If a **RETENTION FOR PROPERTY REQUEST** or a **REQUEST FOR RETENTION,** utilizing the Property and Evidence Tracking System, is not submitted within one year for property other than motor vehicle/boat or within fifteen days for a motor vehicle/boat, the Property Clerk Division will dispose of the property/vehicle except for property/motor vehicle/boat involved in homicide investigations, sexual offenses, arson/explosion, member of service involved or IAB cases. Submission of the **RETENTION FOR PROPERTY REQUEST** or **REQUEST FOR RETENTION** to the Property Clerk Division will only retain that property/motor vehicle/boat for one year. If additional retention of the property/motor vehicle/boat is necessary, a new **RETENTION FOR PROPERTY REQUEST** or **REQUEST FOR RETENTION** must be submitted for each additional one year period*

***RELATED PROCEDURE***

*Invoicing Vehicles/Property as Arrest/Investigatory Evidence or for Forfeiture Proceedings or to Determine True Owner (P.G. 218-19)*

***FORMS AND REPORTS***

***ON LINE BOOKING SYSTEM ARREST WORKSHEET (PD244-159)***
***PROPERTY CLERK INVOICE(PD521-141)***
***PROPERTY CLERK'S MOTOR VEHICLE/BOAT INVOICE (PD521-147)***
***REQUEST FOR RETENTION (PD521-169)***
***RETENTION OF PROPERTY REQUEST (PD521-166)***

**PURPOSE** To properly record changes to the category of invoiced property or a motor vehicle/boat listed on a **PROPERTY CLERK INVOICE (PD521-141)** or a **PROPERTY CLERK'S MOTOR VEHICLE/BOAT INVOICE (PD521-147)**.

**PROCEDURE** When the category of invoiced property and/or motor vehicle/boat in the custody of the Property Clerk Division must be changed:

FOR PROPERTY THAT HAS BEEN INVOICED UTILIZING THE PROPERTY AND EVIDENCE TRACKING SYSTEM

**ASSIGNED INVESTIGATOR /INVOICING OFFICER**

1. Utilize the "Request for Invoice Change of Category" function in the Property and Evidence Tracking System to complete a **REQUEST FOR INVOICE CHANGE OF CATEGORY (PD521-167)** when:
   a. CASE CLOSED/ARREST - The category of invoiced property must be changed from Investigatory or DNA Investigatory to Arrest Evidence or DNA Arrest Evidence in order for the Property Clerk to retain the evidence.
   b. CASE CLOSED/NO ARREST - The category of invoiced property must be changed from Investigatory evidence or DNA Investigatory evidence to Safekeeping.
   c. All other instances requiring a change to the category of invoiced property.
2. Complete a separate **REQUEST FOR INVOICE CHANGE OF CATEGORY** for each associated **PROPERTY CLERK INVOICE**.

**DESK OFFICER/ SUPERVISOR, PROPERTY CLERK FACILITY CONCERNED**

3. Review and digitally sign **REQUEST FOR INVOICE CHANGE OF CATEGORY** approving or rejecting the change.

FOR PROPERTY THAT HAS BEEN INVOICED PRIOR TO THE IMPLEMENTATION OF THE PROPERTY AND EVIDENCE TRACKING SYSTEM

**ASSIGNED INVESTIGATOR /INVOICING OFFICER**

4. Prepare snap-out version of **REQUEST FOR INVOICE CHANGE OF CATEGORY (PD521-167)** when:
   a. CASE CLOSED/ARREST - The category of invoiced property must be changed from Investigatory or DNA Investigatory to Arrest Evidence or DNA Arrest Evidence in order for the Property Clerk to retain the evidence.

**ASSIGNED INVESTIGATOR /INVOICING OFFICER (continued)**

(1) Include a printed "hard copy" of the **ON LINE BOOKING SYSTEM ARREST WORKSHEET (PD244-159)**.

b. CASE CLOSED/NO ARREST - The category of invoiced property must be changed from Investigatory evidence or DNA Investigatory evidence to Safekeeping.

c. All other instances requiring a change to the category of invoiced property on a **PROPERTY CLERK INVOICE (PD521-141)** or a motor vehicle/boat invoiced on a **PROPERTY CLERK'S MOTOR VEHICLE/BOAT INVOICE (PD521-147)** previously forwarded to the Property Clerk Division.

5. Prepare a separate **REQUEST FOR INVOICE CHANGE OF CATEGORY** for each associated separate **PROPERTY CLERK INVOICE/PROPERTY CLERK'S MOTOR VEHICLE/BOAT INVOICE**.

**DETECTIVE BUREAU SUPERVISOR/ DESK OFFICER**

6. Confer with the assigned investigator and ensure the **REQUEST FOR INVOICE CHANGE OF CATEGORY** form was properly prepared and the new category is correct.

7. Review and sign **REQUEST FOR INVOICE CHANGE OF CATEGORY** form.

**ASSIGNED INVESTIGATOR /INVOICING OFFICER**

8. Forward **REQUEST FOR INVOICE CHANGE OF CATEGORY** as follows:
   a. WHITE and YELLOW– Property Clerk Division (One Police Plaza, Room 208)
   b. BLUE – Assigned Investigator
   c. GREEN – District Attorney's Office
   d. PINK – Invoicing Officer
   e. BUFF – Arresting/Assigned Officer.

9. Immediately place "BLUE – Assigned Investigator" copy of the **REQUEST FOR INVOICE CHANGE OF CATEGORY** form in the case folder.

**PROPERTY CLERK DIVISION MEMBER**

10. Assign/Record Property Clerk Division Communications number.

11. Forward "Yellow" copy of **REQUEST FOR INVOICE CHANGE OF CATEGORY** to storage facility.

12. File "White" copy of **REQUEST FOR INVOICE CHANGE OF CATEGORY**.

**PROPERTY CLERK STORAGE FACILITY MEMBER**

13. File "Yellow" copy of **REQUEST FOR INVOICE CHANGE OF CATEGORY** with the "Yellow" copy of the **PROPERTY CLERK INVOICE/PROPERTY CLERK'S MOTOR VEHICLE/BOAT INVOICE**.

14. Stamp **ORIGINAL** "White" copy of the **PROPERTY CLERK INVOICE/ PROPERTY CLERK'S MOTOR VEHICLE/BOAT INVOICE** with date and new category.

15. Determine if property/motor vehicle/boat is now eligible for disposal.

***ADDITIONAL DATA***

*OPERATIONAL CONSIDERATIONS*

*If a change of category is requested in regards to property invoiced on the snap-out version of the* ***PROPERTY CLERK INVOICE*** *or* ***PROPERTY CLERK'S MOTOR VEHICLE/BOAT INVOICE*** *and the property is still stored at the command, the original* ***PROPERTY CLERK INVOICE*** *or* ***PROPERTY CLERK'S MOTOR VEHICLE/BOAT INVOICE*** *will be voided and the property will be invoiced in the correct category utilizing the Property and Evidence Tracking System.*

*The Property Clerk Division will dispose of invoiced property other than a vehicle that has been invoiced as Investigatory or DNA Investigatory, after one year and a vehicle after fifteen days from the date of invoice, except property/vehicles involved in homicide investigations, sexual offenses, arson/explosion investigations, members of the service or IAB cases. Members will comply with P.G. 218-55, "Retention of Invoiced Property" if retention of the property is required.*

***RELATED PROCEDURES***

*Return of Property/Vehicles at Command And Processing Voided Property Invoices (P.G. 218-02)*
*Invoicing Vehicles/Property as Arrest/Investigatory Evidence or for Forfeiture Proceedings or to Determine True Owner (P.G. 218-19)*
*Retention of Invoiced Property (P.G. 218-55)*

***FORMS AND REPORTS***

***REQUEST FOR INVOICE CHANGE OF CATEGORY (PD521-167)***
***ON LINE BOOKING SYSTEM ARREST WORKSHEET (PD244-159)***
***PROPERTY CLERK INVOICE(PD521-141)***
***PROPERTY CLERK'S MOTOR VEHICLE/BOAT INVOICE (PD521-147)***

# PATROL GUIDE

| Section: Property - General | | Procedure No: 218-57 | |
|---|---|---|---|
| **INVOICING PROPERTY DUE TO APPLICATION FAILURE OF THE PROPERTY AND EVIDENCE TRACKING SYSTEM** | | | |
| DATE ISSUED: 09/13/17 | DATE EFFECTIVE: 09/13/17 | REVISION NUMBER: | PAGE: 1 of 2 |

**PURPOSE** To set the guidelines for invoicing property when the Property and Evidence Tracking System (PETS) becomes inoperable due to system outage, extended maintenance or other unforeseen circumstance that will not allow members of the service access to the system.

**PROCEDURE** When PETS becomes inoperable:

**DESK OFFICER/ SUPERVISOR CONCERNED**

1. Have invoicing officer immediately notify the Information Technology Bureau (ITB) Service Desk, if PETS becomes inoperable at anytime.
2. Ascertain from the ITB Service Desk when problem is not correctable, if problem is limited to the command or borough/citywide, and the anticipated period of time PETS will be inoperable.
3. Make a command log entry consisting of the ITB Service Desk member notified, the applicable Service Desk ticket number, and the anticipated duration of the PETS outage.

IF PETS WILL BE INOPERABLE FOR SIX HOURS OR LESS

**DESK OFFICER/ SUPERVISOR CONCERNED**

4. Have **PROPERTY CLERK INVOICE WORKSHEET (PD521-141A)** prepared, and have **WORKSHEET** entered into PETS when it becomes operational.

IF PETS WILL BE INOPERABLE FOR MORE THAN SIX HOURS AND PROBLEM IS ISOLATED TO COMMAND OF INVOICE ONLY

**DESK OFFICER/ SUPERVISOR CONCERNED**

5. Instruct invoicing member to remove property to adjoining command and invoice property in compliance with current Department procedures.
6. Make Command Log entry indicating:
   a. Invoicing officer
   b. List of all property that is being removed
   c. Command to which property is being removed.
7. Inspect **PROPERTY CLERK INVOICE (PD521-141)** ensuring all property removed from command is listed on **INVOICE**, upon return of invoicing officer.
8. Make Command Log entry of **INVOICE** numbers and have property stored in proper location.

IF PETS IS INOPERABLE CITYWIDE FOR MORE THAN SIX HOURS

**DESK OFFICER/ SUPERVISOR CONCERNED**

9. Contact the ITB Service Desk supervisor and be guided by the supervisor's instructions.

***ADDITIONAL DATA***

*OPERATIONAL CONSIDERATIONS*

*When invoicing property at an adjoining command, the invoicing officer will select the command where incident occurred as the invoicing command. The "Putaway" function, utilizing PETS, will be conducted at the adjoining command. During the "Putaway" process, members of the service will select the invoicing command as the location where the property will be stored.*

*Commanding officers of all invoicing commands will ensure that an adequate supply of* ***PROPERTY LOGS****, pre-printed serialized* ***PROPERTY CLERK INVOICES****,* ***PROPERTY CLERK'S MOTOR VEHICLE/BOAT INVOICES*** *and their associated* ***WORKSHEETS*** *are stored in the property room and made available in the event that PETS becomes inoperable. These* ***INVOICES*** *are not to be utilized to invoice property, motor vehicles or boats until instructed to do so by the Commanding Officer, Information Technology Systems Division. In addition, Department forms* ***PROPERTY CLERK INVOICE WORKSHEET, PROPERTY TRANSFER RECEIPT (PD521-145), COMMAND EVIDENCE TRANSMITTAL REPORT (PD521-155), BOROUGH EVIDENCE TRANSMITTAL REPORT (PD521-156), EVIDENCE TRANSMITTAL REPORT (PD521-158), REQUEST FOR LABORATORY EXAMINATION REPORT – FIRST SHEET (PD521-165), REQUEST FOR LABORATORY EXAMINATION REPORT – SECOND SHEET (PD521-165A)****, and* ***REQUEST FOR LABORATORY EXAMINATION REPORT – THIRD SHEET (PD521-165B)*** *have been made available as form fillable PDFs on the Department Intranet.*

*When pre-printed serialized* ***PROPERTY CLERK INVOICES*** *and* ***PROPERTY CLERK'S MOTOR VEHICLE/BOAT INVOICES*** *are received at the command, the commanding officer will ensure that all serial numbers are accounted for. If an* ***INVOICE*** *is found to be missing or duplicated, a report on* ***Typed Letterhead*** *will be prepared and forwarded to the Property Clerk Division. The duplicate* ***INVOICE*** *will be marked "DUPLICATE" and forwarded with the report. A copy of the report will be filed with the remaining supply of* ***INVOICES*** *stored at the command. The report will then be filed when the supply of* ***INVOICES*** *have been exhausted. In addition, the commanding officer will investigate the circumstances of missing* ***INVOICES*** *and take appropriate action.*

***FORMS AND REPORTS***

***BOROUGH EVIDENCE TRANSMITTAL REPORT (PD521-156)***
***COMMAND EVIDENCE TRANSMITTAL REPORT (PD521-155)***
***EVIDENCE TRANSMITTAL REPORT (PD521-158)***
***PROPERTY CLERK INVOICE (PD521-141)***
***PROPERTY CLERK INVOICE WORKSHEET (PD521-141A)***
***PROPERTY LOG (PD521-147)***
***PROPERTY CLERK'S MOTOR VEHICLE/BOAT INVOICE (PD571-147)***
***PROPERTY CLERK'S MOTOR VEHICLE/BOAT INVOICE WORKSHEET (PD571-147A)***
***PROPERTY TRANSFER RECEIPT (PD521-145)***
***REQUEST FOR LABORATORY EXAMINATION REPORT – FIRST SHEET (PD521-165)***
***REQUEST FOR LABORATORY EXAMINATION REPORT – SECOND SHEET (PD521-165A)***
***REQUEST FOR LABORATORY EXAMINATION REPORT – THIRD SHEET (PD521-165B)***
***Typed Letterhead***

| Section: Department Property | | Procedure No: 219-01 | |
|---|---|---|---|
| **INSPECTION OF DEPARTMENT VEHICLES EACH TOUR BY OPERATOR** | | | |
| DATE ISSUED: 07/01/20 | DATE EFFECTIVE: 07/01/20 | REVISION NUMBER: | PAGE: 1 of 3 |

**PURPOSE** To ensure that Department vehicles and assigned equipment are received in good, serviceable order.

**PROCEDURE** At beginning of tour of duty when relieving previous operator:

**VEHICLE OPERATOR**

1. Inspect vehicle to determine:
   a. Sufficient gasoline in tank and proper amount of oil in crank case
   b. Engine coolant reservoir level
   c. Brakes, lights, windshield wipers and warning devices are working properly
   d. Tires and spare are properly inflated
   e. Battery has sufficient water, if applicable
   f. Lug wrench and jack are in trunk
   g. Rechargeable flashlight in trunk is operable, if applicable
   h. LoJack System is operable, if applicable
   i. Passenger area does not contain contraband, controlled substances, weapons or other property
   j. All safety belts are in proper working order and two safety belt extenders (with vehicle number engraved and stored in glove compartment when not is use) are available
   k. E-Z Pass tag is affixed to center top area of windshield
   l. New York State inspection stickers (all Department vehicles) and New York State registration stickers (unmarked vehicles) are current and valid
   m. Mobility tablet is operable, if applicable
   n. License Plate Reader equipment is operable, if available
   o. Vehicle printer operable, if applicable
2. Inspect the following equipment assigned to vehicle:
   a. Two disposable emergency blankets (marked/unmarked RMPs/vans)
   b. Four traffic cones
   c. Fire extinguisher
   d. Life ring with rope attached (if RMP is assigned to a command that borders or contains a body of water)
   e. Box of disposable gloves
   f. Three foot polycarbonate shield with door bag (door rope/wedge) affixed
   g. Safety flares (if assigned to vehicle)
   h. Patrol Kit (marked RMP's)
   i. Barrier tapes ("POLICE LINE DO NOT CROSS" and "CRIME SCENE DO NOT CROSS")
   j. First aid kit (marked/unmarked RMP's)

**VEHICLE OPERATOR (continued)**

k. Ballistic Window Inserts and Window Insert Wedges, if so equipped.
l. Two heavy duty ballistic vests (if assigned to vehicle)
m. Life hammer
n. Two vest type life jackets (if RMP is assigned to a sector that has a body of water).

***NOTE*** *Commanding officers will arrange to use the Department issued engraving tool to mark each crow bar, sledge hammer, and polycarbonate shield with the command's designation and identifying serial number (e.g., 104 Pct - 001). A record of the equipment, and the vehicle it is assigned to, including the E-Z pass serial number, will be maintained and referred to during weekly vehicle inspections.*

3. Inspect the following records maintained including:
   a. **INSPECTION AND EQUIPMENT RECORD (PD571-143)**
      (1) Ensure serial number of E-Z Pass tag is recorded
   b. **RADIO REPAIR RECORD (PD547-141)**
   c. **RADIO CODE SIGNAL CARD (PD112-090A)**
   d. Deaf or hard of hearing visor card, and deaf or hard of hearing instruction card (marked RMPs).

***NOTE*** *The vehicle assigned to the patrol supervisor must comply with requirements listed above and, in addition, be equipped with the following items:*

*a.* ***DETAIL ROSTER/ASSIGNMENT SHEET (PD406-141)***
*b. Rapid Mobilization Plan Dispatch Schedule*
*c. Command Disorder Control Plan*
*d. Waterproof body covers (4)*
*e. Restraining straps*
*f. Crime scene signs*
*g. Crowbar*
*h. Sledgehammer.*

4. Enter in digital **Activity Log**:
   a. Result of inspection
   b. Odometer reading
   c. Gas gauge reading.
5. Report condition of vehicle and equipment, including missing or damaged equipment or defective seatbelts, or indications of improper use of seatbelt (e.g., seatbelt buckled without occupant or behind seat), to patrol supervisor.

**PATROL SUPERVISOR**

6. Verify that proper inspection and required entries have been made in digital **Activity Log**.
7. Direct correction of minor deficiencies and follow-up to ensure compliance.
8. Enter results in digital **Activity Log**.
9. Report serious deficiencies to lieutenant platoon commander or in his/her absence, direct to the commanding officer.

**PATROL SUPERVISOR (continued)**

10. Report all vandalism to vehicle/equipment to the Internal Affairs Bureau.

***NOTE***

*In the event that a member of the service from another command borrows equipment, the identity of that member must be verified by the desk officer and appropriate Command Log entries made.*

***ADDITIONAL DATA***

*MOBILITY DEVICES*

*Technical support for mobility devices can be obtained by calling the Information Technology Bureau (ITB) Service Desk (24 hours/7 days) at (646) 610-6473. Mobility tablets are assigned and labeled to the vehicle they are installed in and are not to be moved to any other vehicle.*

***RELATED PROCEDURES***

*Weekly Inspection of Department Vehicles (P.G. 219-02)*

***FORMS AND REPORTS***

***DETAIL ROSTER/ASSIGNMENT SHEET (PD406-141)***
***INSPECTION AND EQUIPMENT RECORD (PD571-143)***
***RADIO CODE SIGNAL CARD (PD112-090A)***
***RADIO REPAIR RECORD (PD547-141)***
***VEHICLE INSPECTION REPORT (PD571-153)***

**PURPOSE** To ensure that Department vehicles, assigned equipment and related records are being maintained properly.

**PROCEDURE** Each Sunday, after second platoon is posted, or at other times as directed by commanding officer:

**LIEUTENANT PLATOON COMMANDER/ PATROL SUPERVISOR**

1. Inspect each Department vehicle assigned to the command for:
   a. Serviceability
   b. Cleanliness and condition
   c. Accessories and equipment - check **INSPECTION AND EQUIPMENT RECORD (PD571-143)**
   d. Current and valid New York State inspection stickers (all Department vehicles) and New York State registration stickers (unmarked Department vehicles)
   e. Safety belts/safety belt extenders – ensure that safety belts are in proper working order, take corrective action when necessary, and safety belt extenders with vehicle number engraved are stored in glove compartment when not in use
   f. Visual Messaging Signs for operability
   g. Presence of properly installed Ballistic Window Inserts and Window Insert wedges, if so equipped
   h. Mobility tablet, dock and related equipment.

***NOTE*** *Ensure E-Z Pass tag assigned to vehicle is affixed to center top of windshield and the tag's serial number is recorded on **INSPECTION AND EQUIPMENT RECORD** and **VEHICLE INSPECTION REPORT (PD571-153)**.*

2. Direct operator to correct minor deficiencies.
   a. Verify by appropriate follow-up inspection.
3. Complete **VEHICLE INSPECTION REPORT (PD571-153)** and submit to lieutenant platoon commander/desk officer to report results of inspection.

***NOTE*** *If the lieutenant platoon commander is unavailable, the duties described in steps 1, 2, and 3 above will be performed by the patrol supervisor.*

**LIEUTENANT PLATOON COMMANDER/ DESK OFFICER**

4. Deliver **VEHICLE INSPECTION REPORT** to commanding officer for signature and file.
5. Direct member of the service to log into Support Services Bureau's online application via Department intranet to schedule an appointment for preventive maintenance/inspection or other required repairs.

***NOTE*** *If the lieutenant platoon commander is unavailable, the duties described in steps 4 and 5 above will be performed by the desk officer.*

6. Report serious deficiencies to commanding officer.

***ADDITIONAL DATA***

*MOBILITY DEVICES*

*Technical support for mobility devices can be obtained by calling the Information Technology Bureau (ITB) Service Desk (24 hours/7 days) at (646) 610-6473. Mobility tablets are assigned and labeled to the vehicle they are installed in and are not to be moved to any other vehicle.*

***RELATED PROCEDURE***

*Inspection of Department Vehicles Each Tour by Operator (P.G. 219-01)*

***FORMS AND REPORTS***

***INSPECTION AND EQUIPMENT RECORD (PD571-143)***
***VEHICLE INSPECTION REPORT (PD571-153)***

| Section: Department Property | | Procedure No: 219-03 | |
|---|---|---|---|
| **PREVENTIVE MAINTENANCE/INSPECTION/REPAIRS TO DEPARTMENT VEHICLES** | | | |
| DATE ISSUED: 09/13/17 | DATE EFFECTIVE: 09/13/17 | REVISION NUMBER: | PAGE: 1 of 3 |

**PURPOSE** To ensure Department vehicles are being maintained, inspected, and have timely repairs made.

**PROCEDURE** When a Department vehicle requires preventive maintenance, inspection, or non-routine maintenance:

PREVENTIVE MAINTENANCE/INSPECTION

**RADIO MOTOR PATROL OPERATOR**

1. Notify desk officer for routine maintenance to and/or inspection of Department vehicle.

**DESK OFFICER**

2. Direct Automotive Service Worker from Fleet Services Division assigned to command, or designate a member of the service if Automotive Service Worker is not available, to perform the tasks described below.

**AUTOMOTIVE SERVICE WORKER/ DESIGNATED MEMBER OF THE SERVICE**

3. Schedule an appointment for routine maintenance to and/or inspection of Department vehicle as follows:
   a. Log into the Support Services Bureau's online application via the Department Intranet and select "Fleet Services" option
   b. Sign into system using Windows/Email I.D. and password
   c. Select the "CMD" option then "Request PM/INSP Appointment"
   d. Enter all applicable captions and submit.

***NOTE*** *To ascertain vehicle's pickup date, check "View Status" in the "CMD" option in the aforementioned step. When the status shows "Complete," the vehicle is ready to be picked up.*

VEHICLE REPAIRS OTHER THAN PREVENTIVE MAINTENANCE/ INSPECTION

**RADIO MOTOR PATROL OPERATOR**

4. Notify desk officer of the need for repairs to Department vehicle.
   a. Repairs to Department vehicles include, but are not limited to, air conditioning problems, broken glass, or other issues causing the vehicle to require non-routine maintenance.
   b. Software or hardware related issues of the mobility tablet, dock or other related equipment.

**DESK OFFICER**

5. Direct Automotive Service Worker from Fleet Services Division assigned to command, or designate a member of the service if Automotive Service Worker is not available, to perform the tasks described below.

**AUTOMOTIVE SERVICE WORKER/ DESIGNATED MEMBER OF THE SERVICE**

6. Notify Support Services Bureau of Department vehicle requiring repairs as follows:
   a. Log into the Support Services Bureau's online application via the Department Intranet and select "Fleet Services" option
   b. Sign into system using Windows/Email I.D. and password
   c. Select the "CMD" option then "Submit Vehicle"
   d. Enter six digit vehicle number and select the vehicle problem from the drop down menu
      (1) A further description of the vehicle problem must be entered in the "Comments" area along with the location of where the vehicle is parked.
7. Ensure vehicle and keys are made available for roadside repair operator upon arrival.
   a. Indicate in Support Services Bureau's online application the exact location of keys and Department vehicle requiring repair.

***NOTE***

*When moving a Department vehicle to an authorized repair facility or when returning to command, notify the radio dispatcher.*

**FLEET SERVICES DIVISION**

8. Review Notification System daily.
   a. Review all recent entries.
   b. Update preventive maintenance and inspection times and dates.
   c. Triage vehicles placed on the notification system to determine if repairs can be performed on-site or if vehicle needs to be brought to an authorized repair facility.
9. Dispatch roadside repair or Department Tow when applicable.
10. Contact the requesting command directly for windshield or glass repair and advise command that the Department vehicle will either be required to report to an authorized glass repair facility or a mobile glass repair unit will be dispatched to the location of vehicle.

**DESK OFFICER**

11. Make Command Log entry of the time of arrival and departure of roadside repair operator.
    a. Include vehicle number and whether roadside repair was able to repair the vehicle, or if not, Department Tow will be required.

***ADDITIONAL DATA***

*The Fleet Services Division provides a roadside repair service capable of making minor repairs to inoperative Department vehicles. Requests for this service can be made through the Support Services Bureau's online application via the Department Intranet or by calling Department Tow directly.*

*A Department vehicle requiring repairs by an outside agency, either under service warranty or contractual agreement, will first be delivered to the Borough Service Station concerned for inspection and recording of type of repair needed. The vehicle will be returned to the Borough Service Station upon completion of repairs no later then the next business day.*

***ADDITIONAL DATA (continued)***

*In instances where a vehicle windshield or other glass is cracked, the description of the damage will be noted in the "Comments" area. This will be useful in determining if the windshield glass can be repaired on-site (Borough Service Station or command), or if the vehicle will have to be removed to an authorized glass repair facility.*

*Air conditioning problems in vehicles can be caused by numerous malfunctions, some of which can be repaired by roadside repair technicians. The roadside repair technician will determine if the air conditioning can be repaired on-site or if the vehicle will need to be removed to a designated Fleet Services Division repair facility.*

*Technical support for mobility devices can be obtained by calling the Information Technology Bureau (ITB) Service Desk (24 hours/7 days) at (646) 610-6473. The vendor will then make an appointment to troubleshoot and fix the issue at the command. Fleet Services Division will not handle technical support for mobility tablets. Mobility tablets are assigned and labeled to the vehicle they are installed in and are not to be moved to another vehicle. When a vehicle with a tablet installed is placed permanently out of service (i.e., due to a collision, high mileage, poor condition, etc.) return the mobility tablet with the vehicle to Fleet Services Division.*

***RELATED PROCEDURES***

*Desk Officer (P.G. 202-14)*
*Radio Motor Patrol Operator (P.G. 202-22)*
*Tire Repairs – Except Motorcycles (P.G. 219-05)*
*Tire Replacement on Department Vehicles (P.G. 219-06)*
*Department Tow (P.G. 219-09)*

NYPD

| Section: Department Property | | Procedure No: 219-04 | |
|---|---|---|---|
| **WASHING DEPARTMENT VEHICLES** | | | |
| DATE ISSUED: 07/01/20 | DATE EFFECTIVE: 07/01/20 | REVISION NUMBER: | PAGE: 1 of 2 |

**PURPOSE** To designate car wash vendors within commands and provide for a method of payment.

**DEFINITION** DEPARTMENT VEHICLE - All Department vehicles, both marked and unmarked, assigned to various commands except patrol wagons, buses, trucks or vehicles used for duty of a confidential nature.

**PROCEDURE** To provide for washing of Department vehicles:

**COMMANDING OFFICER**

1. Solicit the required number of vendors as directed by the Quartermaster Section, prior to the beginning of the fiscal year.

***NOTE*** *The Office of the Comptroller has mandated that all such contracts be awarded based on competitive bidding. Therefore, when requested, all precinct commands will attempt to solicit the required number of bids from vendors. (Vendors solicited are not restricted to the boundaries of the precinct commands). The commanding officer/designee will personally visit each vendor to solicit the bids.*

2. Direct the washing of Department vehicles, as needed.

**DESK OFFICER**

3. Prepare **CAR WASH AUTHORIZATION (PD171-051),** specifying the type of vehicle (passenger, van, scooter) and Vehicle Number.
   a. Complete all other captions on form and sign.
4. Give original (white copy) and blue copy to operator of vehicle to be washed.
5. Duplicate (buff copy) remains in book.

**OPERATOR DEPARTMENT VEHICLE**

6. Give original (white) and blue copy of **CAR WASH AUTHORIZATION** form to vendor upon completion of service.
   a. Make digital **Activity Log** entry of the **CAR WASH AUTHORIZATION** number and the location of the car wash.

***NOTE*** *Commands, other than precincts, will utilize vendors designated by precincts to wash Department vehicles. The **CAR WASH AUTHORIZATION** will be obtained from the desk officer, precinct in which the car wash is located, and the above steps complied with. Housing Bureau and Transit Bureau personnel will use the vendors designated by their own command and will obtain **AUTHORIZATION** slips from the desk officer of the PSA or District concerned.*

**COMMANDING OFFICER**

7. On the first of each month, direct a competent member of the service to pick up the original (white) copies of the **CAR WASH AUTHORIZATION** for the previous month from the vendor.
   a. Blue copy remains with the vendor for his records.

**PRECINCT CLERICAL MEMBER**

8. Compare the original (white) **CAR WASH AUTHORIZATION** forms obtained from the vendor with the buff copies in the log to ensure all are accounted for.
   a. Indicate on the buff copy that the original copy has been received.
9. List all washes on **EXPENSE REPORT (PD102-061**) by vehicle type (passenger, van, scooter), number of washes, cost per wash, total amount to be paid to vendor, and grand total for all washes, for all types of vehicles, as illustrated below:

| | | | | |
|---|---|---|---|---|
| Pass. Veh. | # of washes | cost per wash | = | cost |
| Van | # of washes | cost per wash | = | cost |
| Scooter | # of washes | cost per wash | = | cost |
| | | | TOTAL | $ |

10. Forward the original (white) and blue copy of the **EPENSE REPORT** to Audits and Accounts Unit, with the original **CAR WASH AUTHORIZATIONS** attached.

***NOTE***

***EXPENSE REPORTS*** *will be forwarded to the Audits and Accounts Unit by the 10th day of each month.*

11. File "Command File" copy of **EXPENSE REPORT**.

***ADDITIONAL DATA***

*If a change in the authorized vendor is required, due to unforeseen circumstances, a request must be forwarded to the Chief of Patrol, through channels, indicating the reason for the change and the recommended vendor to be utilized. The use of an unauthorized vendor is strictly prohibited.*

***FORMS AND REPORTS***

***CAR WASH AUTHORIZATION (PD171-051)***
***EXPENSE REPORT (PD102-061)***

| Section: Department Property | | Procedure No: 219-05 | |
|---|---|---|---|
| **TIRE REPAIRS - EXCEPT MOTORCYCLES** | | | |
| DATE ISSUED: 08/01/13 | DATE EFFECTIVE: 08/01/13 | REVISION NUMBER: | PAGE: 1 of 1 |

**PURPOSE** To have tires for Department vehicles, except motorcycles, repaired quickly.

**PROCEDURE** If a tire from a Department vehicle requires repair:

**DEPARTMENT OPERATOR**

1. Deliver tire and wheel to Authorized Tire Repair Station designated by commanding officer.
2. Obtain blue copy of **TIRE REPAIR VOUCHER (PD571-061)** prepared and signed by repair station representative, as receipt.
3. Return blue copy of **VOUCHER** to tire repair station representative after tire repaired.
   a. When a tire is removed from rim and cannot be repaired, the only charge to be entered on the **VOUCHER** will be for removal of the tire.
4. Verify that charges listed on **VOUCHER**, after repairs, are completed and correct.
5. Sign white and yellow copies of **VOUCHER**:
   a. Obtain white (original) copy
   b. Yellow copy remains at tire repair station as a record of work performed.
6. Deliver white copy of **VOUCHER** to desk officer of command to which vehicle is assigned.
7. Enter tire repair information on **VEHICLE REPORT (PD571-146)**.

**DESK OFFICER**

8. Verify entries on **VOUCHER**, sign and file.
9. Forward **VOUCHER** to patrol precinct in which Tire Repair Station is located, if necessary.

***ADDITIONAL DATA*** *When an Authorized Tire Repair Station requires a new **VOUCHER** pad, the desk officer will issue the new pad and enter in the Command Log the first and last serial number of the new pad and the pad being returned. The returned **VOUCHER** pad will be destroyed.*

***FORMS AND REPORTS*** ***TIRE REPAIR VOUCHER (PD571-061)***
***VEHICLE REPORT (PD571-146)***

| Section: Department Property | | Procedure No: 219-06 | |
|---|---|---|---|
| **TIRE REPLACEMENT ON DEPARTMENT VEHICLES** | | | |
| DATE ISSUED: 08/01/13 | DATE EFFECTIVE: 08/01/13 | REVISION NUMBER: | PAGE: 1 of 2 |

**PURPOSE** To have tires on Department vehicles replaced quickly.

**PROCEDURE** When necessary to replace a tire on a Department vehicle:

**VEHICLE OPERATOR**

1. Telephone service station where vehicle is normally serviced to arrange for tire replacement.
2. Present tire at shop for replacement.
   a. Tires are replaced on a one for one basis.
   b. Lost or stolen tires will be replaced only upon receipt of **COMPLAINT REPORT (PD313-152)** or **Typed Letterhead,** signed by commanding officer.
3. Complete and sign part "A" of **TIRE EXCHANGE RECORD (PD561-144)**.
4. Pick up tire and **Tire Replacement on Department Vehicles (Misc. 3991)** form.
5. Deliver tire to designated authorized tire repair station to be mounted on vehicle.
6. Obtain blue copy of **TIRE REPAIR VOUCHER (PD571-061)** prepared and signed by tire repair station representative, as receipt.
7. Verify, after work is completed, that charge listed on **VOUCHER** is for mounting tire only.
8. Return blue copy of **TIRE REPAIR VOUCHER** to tire repair station representative.
9. Sign original and triplicate copy of **TIRE REPAIR VOUCHER**.
   a. Retain original (white) copy
   b. Yellow copy retained by repair station as record of work performed.
10. Deliver original **TIRE REPAIR VOUCHER** and **Tire Replacement on Department Vehicles** to desk officer of command to which vehicle is assigned.

**DESK OFFICER**

11. Verify entries on **TIRE REPAIR VOUCHER** and that tire has been mounted on vehicle.
    a. Sign and make photocopy of **TIRE REPAIR VOUCHER**.
12. File original **TIRE REPAIR VOUCHER**.
    a. Forward original **TIRE REPAIR VOUCHER** to precinct in which authorized tire repair station is located, if necessary.
13. Forward **Tire Replacement on Department Vehicles** and copy of **TIRE REPAIR VOUCHER** to commanding officer.

**COMMANDING OFFICER**

14. Ensure that tire has been mounted.
15. Sign **Tire Replacement on Department Vehicles**.
16. Have **Tire Replacement on Department Vehicles** and copy of vendor's **TIRE REPAIR VOUCHER** filed in command.

***ADDITIONAL DATA***

*It is the responsibility of each commanding officer to ensure that tires issued are mounted and that each* ***Tire Replacement on Department Vehicles*** *form is completed, and filed in the command.*

***FORMS AND REPORTS***

***COMPLAINT REPORT (PD313-152)***
***TIRE EXCHANGE RECORD (PD561-144)***
***TIRE REPAIR VOUCHER (PD571-061)***
***Typed Letterhead***
***Tire Replacement On Department Vehicles (Misc. 3991)***

NYPD

| Section: Department Property | | Procedure No: 219-07 | |
|---|---|---|---|
| **AUTHORIZED TIRE REPAIR STATIONS - REMOVAL FROM LIST** | | | |
| DATE ISSUED: 08/01/13 | DATE EFFECTIVE: 08/01/13 | REVISION NUMBER: | PAGE: 1 of 1 |

**PURPOSE** To facilitate requests for removal from the list of Authorized Tire Repair Stations.

**PROCEDURE** When the owner or agent of an Authorized Tire Repair Station personally requests removal from the Authorized Tire Repair Station list:

**DESK OFFICER**

1. Require return of all **TIRE REPAIR VOUCHER (PD571-061)** pads.
2. Request two copies of statement of charges due for current month.
3. Prepare report indicating:
   a. Name of owner or agent requesting termination
   b. Location of station
   c. First and last serial number in each **TIRE REPAIR VOUCHER** pad returned
   d. First unused serial number in each returned pad.
4. File pads for reissue.

**COMMANDING OFFICER**

5. Process statement of charges due.
6. Submit report to Chief of Department, direct, requesting that station be removed from list of Authorized Tire Repair Stations.

***FORMS AND REPORTS*** ***TIRE REPAIR VOUCHER (PD571-061)***

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# PATROL GUIDE

| Section: Department Property | | Procedure No: 219-08 | |
|---|---|---|---|
| **TIRE CHAINS** | | | |
| DATE ISSUED: 08/01/13 | DATE EFFECTIVE: 08/01/13 | REVISION NUMBER: | PAGE: 1 of 1 |

**PURPOSE** To stock an adequate supply of tire chains during the winter months.

**PROCEDURE** Between November 1st and November 15th, each year:

**COMMANDING OFFICER**

1. Direct that each Department vehicle housed or assigned to command be provided with a set of tire chains.
2. Requisition a reserve supply of chains, one set for each vehicle.
3. Store chains until needed.

***NOTE*** *Tire chains are NOT to be installed on vehicles until more than four inches of snow has accumulated. When less than four inches of snow has fallen, or extenuating circumstances exist, the commanding officer, lieutenant platoon commander or patrol supervisor may determine if chains should be used. Chains must NOT be mounted on front wheel drive vehicles.*

**VEHICLE OPERATOR**

4. Return broken tire chains to desk officer and obtain replacement chains from command reserve supply.

***NOTE*** *Tire chains will be removed when conditions requiring their use have ended. If chains break while installed or any cross-links are broken, they must be removed immediately to avert potential safety hazards and/or possible damage to vehicle.*

**COMMANDING OFFICER**

5. Direct that an **EMERGENCY REQUISITION (PD561-163)** be prepared and forwarded, with the broken chains, to the Fleet Services Division, so that the reserve supply of chains at the command is replenished.

***ADDITIONAL DATA*** *Tire chains may be installed on, and removed from, Department vehicles at authorized tire repair stations. The operator of the Department vehicle will ascertain that the fee entered on the* ***TIRE REPAIR VOUCHER (PD571-061),*** *for the installation or removal, is the same as the fee charged for the repair of the tire.*

***RELATED PROCEDURES***
*Tire Repairs Except Motorcycles (P.G. 219-05)*
*Tire Replacement On Department Vehicles (P.G. 219-06)*
*Authorized Tire Repair Stations Removal From List (P.G. 219-07)*

***FORMS AND REPORTS***
***EMERGENCY REQUISITION (PD561-163)***
***TIRE VOUCHER (PD571-061)***

# PATROL GUIDE

| Section: Department Property | | Procedure No: 219-09 | |
|---|---|---|---|
| **DEPARTMENT TOW** | | | |
| DATE ISSUED: 08/01/13 | DATE EFFECTIVE: 08/01/13 | REVISION NUMBER: | PAGE: 1 of 1 |

**PURPOSE** To limit requests for a Department tow truck.

**PROCEDURE** When a uniformed member of the service requires a Department tow truck:

**UNIFORMED MEMBER OF THE SERVICE**

1. Be sure that tow truck will be used only for one of following:
   a. Department vehicle unable to operate under own power
   b. Vehicle is required as evidence or abandoned on public highway, except derelict vehicles
   c. Vehicle is in path of parade, gatherings or emergencies
   d. Assist Emergency Service Unit
   e. To lift heavy articles (safe, boat, etc.).
2. Telephone Department Tow Section.
3. Remain at scene to safeguard Department vehicles or vehicles required as evidence.
   a. Take reasonable precautions, in other cases, to safeguard vehicle before leaving scene.

***ADDITIONAL DATA*** *When need for Department tow service is eliminated prior to arrival of tow truck, promptly notify Fleet Services Division to cancel request for service.*

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# PATROL GUIDE

| Section: Department Property | | Procedure No: 219-10 | |
|---|---|---|---|
| **UNMARKED DEPARTMENT VEHICLE UTILIZATION RECORD** | | | |
| DATE ISSUED: 08/19/13 | DATE EFFECTIVE: 08/19/13 | REVISION NUMBER: | PAGE: 1 of 1 |

**PURPOSE** To record daily usage of unmarked Department vehicles.

**DEFINITIONS**

GENERAL PURPOSE VEHICLE - Unmarked Department vehicles, including taxicabs, vans and trucks used for patrol, investigations, peddler enforcement, administrative and supervisory functions.

SPECIAL PURPOSE VEHICLE - Unmarked Department vehicles used for special "stakeouts", undercover use, i.e., "flash cars", photographic surveillance vans and other vehicles not deemed appropriate for general use.

CATEGORY 1 VEHICLE - Unmarked Department vehicles not required to be stored at a Department facility. Category 1 vehicles are excluded from the provisions of this procedure.

**PROCEDURE** When unmarked Department vehicles are assigned to commands:

**COMMANDING OFFICER**

1. Direct that a separate **UNMARKED VEHICLE UTILIZATION RECORD (PD571-1413)** be maintained for each vehicle assigned.

**DESIGNATED MEMBER OF THE SERVICE**

2. Complete captioned entries in **UNMARKED VEHICLE UTILIZATION RECORD** each day whether vehicles are utilized or not.
3. Use the "Remarks" column to record information of interest to relieving crews and other data deemed appropriate.
4. Indicate under "Reason Inactive" column why vehicle was not utilized by using the following abbreviations:
   a. O.S.A. - Out of Service - Collision
   b. O.S.M. - Out of Service - Mechanical
   c. O.S.R. - Out of Service - Radio
   d. I.P. - Insufficient Personnel
   e. Loan to - Vehicle temporarily assigned to command/unit.

**SUPERVISOR**

5. Verify the twenty-four hour total usage by initialing the appropriate column in the **UNMARKED VEHICLE UTILIZATION RECORD**.

***ADDITIONAL DATA*** *Bureau chiefs may designate those vehicles under their control for use as Special Purpose Vehicles. The need for such vehicles is determined by the police mission to be accomplished and is independent of hours used or mileage accrued.*

***FORMS AND REPORTS*** ***UNMARKED VEHICLE UTILIZATION RECORD (PD571-1413)***

**PURPOSE** To automatically record fuel dispensed at Department fueling sites.

**DEFINITIONS** VEHICLE INFORMATION BOX (VIB) – Allows for the wireless transfer of vehicle data (e.g., fuel amount, mileage, etc.) to the fuel control system.

MASTER CARD (GREEN) – Kept at each Department fuel dispensing facility for use in conjunction with an **IDENTIFICATION CARD (PD416-091)** to:

(1) Permit refueling of Department vehicle when there is a mechanical malfunction of the VIB, or the Vehicle Card is lost, misplaced or damaged;
(2) Provide fuel for small machinery without a VIB (e.g., snow blower, etc.);
(3) Permit fueling of a vouchered vehicle, up to five gallons.

CONFIDENTIAL RENTAL AND LEASE OFFICE (CRALO) CARD (YELLOW) – Issued to vehicles rented or leased by the Department which do not have a VIB.

NON-FLEET VEHICLE CARD (ORANGE) – Issued to non-Department vehicles authorized to obtain fuel at Department fuel locations (i.e., other agency or government vehicle authorized for Department use).

PRIVATE VEHICLE CARD (RED) – Issued to members of the service who have private vehicle privileges as outlined in *A.G. 325-14, "Private Vehicle Authorization and Usage"* in order to obtain fuel at a Department facility. The Private Vehicle Card is used in conjunction with the operator's **IDENTIFICATION CARD**. Fuel can only be obtained by an authorized member for an authorized vehicle.

OPERATOR CARD (WHITE) – Issued to auxiliary members of the service who have been qualified to operate Department vehicles and may need to dispense fuel.

**PROCEDURE** When a Department or authorized vehicle requires fuel:

**MEMBER OF THE SERVICE**

1. Proceed to fuel dispensing facility pump location and turn off vehicle.
2. View LED screen to ascertain if the system is operational.
   a. LED screen should display "Welcome to NYPD, select pump number."

***NOTE*** *If system is not operational, notify supervisor at dispensing facility and the Fuel Control Unit.*

TO OBTAIN FUEL FOR DEPARTMENT VEHICLES WITH AN INSTALLED VIB BY USING THE MEMBER'S IDENTIFICATION CARD:

**MEMBER OF THE SERVICE**

3. Insert hose nozzle into vehicle fuel port and move reset lever on pump to the "on" position.
4. Use terminal keypad to enter pump number, then press "enter."
5. Place **IDENTIFICATION CARD** directly against ID card reader (black box to right of keypad) when screen prompts "Scan employee ID."
   a. Screen will display "Pump # ready."
6. Begin fueling.

***NOTE*** *If after selecting pump number the LED screen displays "Insert Vehicle Card," obtain Master Card (green) from desk officer and notify Fuel Control Unit.*

TO OBTAIN FUEL FOR CRALO, NON-FLEET, AND AUTHORIZED PERSONAL VEHICLES:

**MEMBER OF THE SERVICE**

7. Insert hose nozzle into vehicle fuel port and move reset lever on pump to the "on" position.
8. Use terminal keypad to enter pump number, then press "enter."
9. Insert and quickly remove vehicle card (yellow, orange, red, or white) with magnetic tape facing up.
   a. If using a CRALO (yellow) or Non-Fleet Vehicle Card (orange) the terminal will prompt "Enter Odometer."
   b. If using a Private Vehicle Card (red) or Operator Card (white), the terminal will prompt for a PIN which is assigned to members with private vehicle authorization.
10. Use terminal keypad to enter odometer reading, then press "enter."
11. Place **IDENTIFICATION CARD** directly against ID card reader (black box to right of keypad) when screen prompts "Scan employee ID."
    a. Screen will display "Pump # ready."
12. Begin fueling.

TO OBTAIN FUEL FOR DEPARTMENT MACHINERY WITHOUT IDENTIFICATION NUMBERS, WHEN A VEHICLE CARD IS LOST OR DAMAGED, OR FOR A VOUCHERED VEHICLE:

**MEMBER OF THE SERVICE**

13. Insert and quickly remove Master Card (green) with magnetic tape facing up, when prompted by the terminal.
14. Enter PIN when prompted and press "enter."
    a. A PIN can be obtained 24 hours a day/seven days a week, by contacting the Fuel Control Unit.
15. Enter "3500" when prompted to "Enter Odometer."
16. Use terminal keypad to enter odometer reading, then press "enter."
17. Place **IDENTIFICATION CARD** directly against ID card reader (black box to right of keypad) when screen prompts "Scan employee ID."
    a. Screen will display "Pump # ready."

**MEMBER OF THE SERVICE (continued)**

18. Begin fueling.

**DESK OFFICER**

19. Make Command Log entry including, name, rank, tax number, and command of member of the service obtaining fuel for Department vehicle or machinery.
    a. Include type of vehicle/machinery, odometer reading, if applicable, number of gallons obtained, and any other relevant information (e.g., **PROPERTY CLERK INVOICE (PD521-141)** number, etc.).

**FUEL CONTROL UNIT**

20. Run a quarterly Fuel Dispensed to Authorized Private Vehicles printout, and distribute to integrity control officers of commands that have authorized private vehicle users.

**COMMAND INTEGRITY CONTROL OFFICER**

21. Review printout from Fuel Control Unit and compare report to entries made by members of the service in the Vehicle Identification Plate/Private Vehicle Use Log as per *A.G. 325-15, "Vehicle Identification Plates for Private Vehicles Used of Official Business."*
    a. Any discrepancies will be investigated and proper corrective action taken.

***ADDITIONAL DATA***

*If refueling does not commence without delay (approximately 1 minute), the transaction will be cancelled, and the procedure to obtain fuel must start over.*

*If a member of the service (uniformed or civilian) loses or damages any vehicle fuel card, the member must immediately notify the Fuel Control Unit. Additionally, a report on **Typed Letterhead** explaining the circumstances of the lost or damaged vehicle fuel card must be faxed to the Fuel Control Unit. The Fuel Control Unit will invalidate the lost/damaged card and issue a replacement card.*

*If a uniformed member of the service, who obtains fuel for their private vehicle at a Department dispensing facility, is transferred, the Fuel Control Unit will automatically revoke authorization to obtain fuel. To reinstate fueling privileges, the member concerned must submit **REQUEST TO USE PRIVATE VEHICLE (PD471-160)** to his commanding officer for forwarding to next higher command for approval.*

*The Auxiliary Police Section will be guided by the Fuel Control Unit for instruction on how to obtain fuel.*

***RELATED PROCEDURES***

*Delivery of Gasoline to Fuel Dispensing Stations (P.G. 219-12)*
*Private Vehicle Authorization and Usage (A.G. 325-14)*
*Vehicle Identification Plates for Private Vehicles Used of Official Business (A.G. 325-15)*

***FORMS AND REPORTS***

***IDENTIFICATION CARD (PD416-091)***
***PROPERTY CLERK INVOICE (PD521-141)***
***REQUEST TO USE PRIVATE VEHICLE (PD471-160)***
***Typed Letterhead***

| Section: Department Property | | Procedure No: 219-12 | |
|---|---|---|---|
| **DELIVERY OF GASOLINE TO FUEL DISPENSING STATIONS** | | | |
| DATE ISSUED: 08/27/18 | DATE EFFECTIVE: 08/27/18 | REVISION NUMBER: | PAGE: 1 of 2 |

**PURPOSE** To determine the amount of fuel on hand, prior to, and after the delivery of, gasoline to a Department fuel dispensing facility.

**PROCEDURE** When an employee of a fuel company arrives at a Department fuel dispensing facility to deliver gasoline.

**DESK OFFICER**

1. Assign member of the service to supervise fuel delivery.

***NOTE*** *Members of the service assigned to security at those Department facilities other than precincts (e.g., Outdoor Range, Central Repair Shop, Police Headquarters, etc.), that dispense fuel, will perform the duties designated to be performed by the desk officer throughout this procedure.*

**ASSIGNED MEMBER**

2. Determine amount of gasoline in storage tank by using the electronic tank monitor, which is located at the desk area in most commands with fuel tanks.
3. Press "Print" button on electronic tank monitor and advise the delivery driver of the 90% ullage amount. (The amount that can safely be added to the storage tank.)
4. Ascertain meter reading on fuel vendor's truck prior to pumping fuel into storage tank.
   a. Ensure that fuel meter on vendor's truck is set to zero before pumping begins.
   b. Inspect and initial blank vending invoice prior to delivery of gasoline.
   c. Verify the same invoice is returned after completion of delivery.
5. Use the electronic tank monitor to verify delivery amount.
   a. Press "Print" button and verify that new volume (storage balance) reflects the delivery amount.
6. Report delivery amounts to desk officer.

**DESK OFFICER**

7. Enter in Command Log the following information concerning receipt of fuel:
   a. Amount of fuel received
   b. Invoice number (verify that vendor's invoice was initialed by assigned member)
   c. Vendor's name
   d. Name of member of the service verifying receipt.
8. Forward one copy of Vendor's Invoice to Audits and Accounts Unit on next business day.
   a. File remaining copy of Invoice at command.

IF FUEL DELIVERY CANNOT BE MADE

**MEMBER OF THE SERVICE**

9. Notify desk officer if vendor is unable to deliver fuel and reason the delivery cannot be made (i.e., vehicle parked on top of fuel fill port, parked vehicle blocking delivery truck access, construction site blockage, etc.).

**DESK OFFICER**

10. Notify Fuel Control Unit.
11. Make a Command Log entry including the vendor's information and reason for non-delivery.
    a. If vehicle is blocking the delivery truck access include registration information.
    b. Sign vendor's invoice if fuel tank is full and no delivery occurred.
12. Prepare a report on **Typed Letterhead** explaining the circumstances under which the fuel could not be delivered.
    a. Include any corrective action taken.
13. Fax report on **Typed Letterhead** to the Fuel Control Unit.

***RELATED PROCEDURE***

*Computerized Fuel Dispensing System (P.G. 219-11)*

***FORMS AND REPORTS***

***Typed Letterhead***

NYPD

# PATROL GUIDE

| Section: Department Property | | Procedure No: 219-13 | |
|---|---|---|---|
| **DELIVERY OF HEATING OIL** | | | |
| DATE ISSUED: 08/01/13 | DATE EFFECTIVE: 08/01/13 | REVISION NUMBER: | PAGE: 1 of 2 |

**PURPOSE** To monitor delivery of heating oil to a Department facility and to verify the accuracy of the quantity of heating oil delivered.

**PROCEDURE** When ordering heating oil and processing receipts:

**COMMANDING OFFICER**

1. Designate a member of the service (uniformed or civilian) to order heating oil from appropriate vendor.

**DESIGNATED MEMBER OF THE SERVICE**

2. Order heating oil from appropriate vendor.
   a. Direct vendor to report to desk officer/supervisor concerned upon arrival at Department facility, prior to pumping heating oil.
   b. Make an entry in the command's Telephone Record indicating that the above instructions were relayed to the vendor's order clerk who accepted the order.

**DESK OFFICER**

3. Assign a member of the service (uniformed or civilian) to be present during, and supervise, the actual delivery and pumping operation.

**ASSIGNED MEMBER OF THE SERVICE**

4. Verify that the vendor delivery ticket has been signed by a Department of Citywide Administrative Services (D.C.A.S.) inspector <u>prior to the commencement of pumping operations</u>.
   a. If the ticket has not been signed by a D.C.A.S. inspector <u>DO NOT ACCEPT DELIVERY</u>.

***NOTE*** *In commands accepting delivery of #4 or #6 oil, the member of the service assigned to supervise the pumping will verify that the vendor has a vendor delivery ticket and a Department of Citywide Administrative Services certificate. In these cases, however, it is the Department of Citywide Administrative Services certificate, which <u>MUST</u> be signed. If this certificate is not signed by a Department of Citywide Administrative Services Inspector, <u>DO NOT ACCEPT DELIVERY</u>.*

5. Ensure that the meter on the delivery truck had been reset to zero <u>prior</u> to the insertion of the vendor delivery ticket into the meter.
6. Verify, upon completion of the pumping operation, that the total gallons delivered (as indicated on the meter) equal the quantity recorded on the vendor delivery ticket.
   a. Commands receiving #4 and #6 heating oil will also verify the amount delivered on the D.C.A.S. certificate.
7. Verify amount of oil delivered by printing NAME and TAX REGISTRY NUMBER or the D.C.A.S. certificate and/or the vendor delivery ticket and signing name.
8. Present the D.C.A.S. certificate and/or the vendor delivery ticket to the desk officer/supervisor.
9. Notify desk officer/supervisor of the amount of heating oil delivered.

**DESK OFFICER**

10. Verify that the D.C.A.S. certificate and/or the vendor delivery ticket were signed by the member of the service assigned and the amount reported in step #9 reflects the amount indicated on the certificate/ticket.
11. Make a Command Log entry including the following information:
    a. Amount of heating oil delivered
    b. Indication of receipt of D.C.A.S. certificate and/or vendor delivery ticket.
    c. Vendor's name and truck number
    d. Identity of member of the service who supervised delivery.

***NOTE*** *In commands that do not maintain a Command Log, these entries will be made in the Telephone Record.*

12. Make a duplicate copy of the vendor delivery ticket and place in file maintained at command.
    a. Forward vendor delivery ticket to the Audits and Accounts Unit with the next Department mail.

***NOTE*** *Commands accepting delivery of #4 and #6 oil will attach the "Department" copy of the D.C.A.S. certificate to the vendor delivery ticket and forward both to Audits and Accounts Unit. The "Agency" copy of the D.C.A.S. certificate will be attached to the duplicate copy of the vendor delivery ticket and filed at the command.*

***RELATED PROCEDURE*** *Delivery Of Gasoline To Fuel Dispensing Stations (P.G. 219-12)*

| Section: Department Property | | Procedure No: 219-14 | |
|---|---|---|---|
| **DEPARTMENT COMPUTER SYSTEMS** | | | |
| DATE ISSUED: 07/01/20 | DATE EFFECTIVE: 07/01/20 | REVISION NUMBER: | PAGE: 1 of 3 |

**PURPOSE** To maintain the integrity and security of the Department's computer systems and to minimize the potential for misuse by anonymous, unauthorized access to available data.

**PROCEDURE** To utilize Department computer systems in a command and/or a Department vehicle.

**MEMBER OF THE SERVICE**

1. Sign-on the system utilizing the member's confidential password.
2. Make only official inquiries, which relate to official business of the Department.
3. Do not divulge any information obtained from the system, <u>except</u> for valid law enforcement purpose.
4. Sign-off the system upon completion of its use or whenever unable to safeguard, even for a brief period of time.
5. Notify desk officer/designated supervisor or integrity control officer of any misuse or if personal password has been compromised in any way.
   a. Comply with *P.G. 207-21, "Allegations of Corruption and Other Misconduct Against Members of the Service,"* as necessary.
6. Comply with *P.G. 203-22, "Department Confidentiality Policy."*

***NOTE*** *Members of the service signed on to a Department computer system will be held strictly accountable for **all** entries on that system during the period they are signed on.*

**DESK OFFICER/ DESIGNATED SUPERVISOR**

7. Inspect all areas containing Department computer systems at least once each tour and ensure that all systems are being used within Department guidelines and are not damaged in any way.
8. Take immediate action to correct condition if any misuse or damage found and notify commanding officer and integrity control officer.
9. Record results in Command Log.

***NOTE*** *The desk officer/designated supervisor will notify the Information Technology Bureau (ITB) Service Desk (24 hours) to report inoperable or malfunctioning computer equipment. The above notification will be entered in the Telephone Record.*

**PATROL SUPERVISOR/ DESIGNATED SUPERVISOR**

10. Inspect, frequently, all Department computer systems assigned to Department vehicles within the command to ensure that they are being used within Department guidelines and are not damaged in any way.
11. Take immediate action to correct condition if any misuse or damage found and notify commanding officer and integrity control officer.
    a. Record notifications in digital **Activity Log**.

**INTEGRITY CONTROL OFFICER**

12. Be responsible for computer equipment and data security for all computer systems assigned to command.

**INTEGRITY CONTROL OFFICER (continued)**

13. Be responsible for and maintain the security and integrity of all official Department recorded media or recorded media coming into possession of the Department as evidence or for investigative purposes (e.g., videotape, photographic images or pictures, audio recordings, electronic or internet files, etc.).

***NOTE*** *In regard to investigative units, the duties of the integrity control officer as stated in step 12, will be the sole responsibility of the commanding officer.*

14. Establish and maintain a list of all passwords issued to members of the command.
    a. Maintain confidentiality of passwords of all authorized users and obtain new passwords, when necessary.
15. Maintain effective operational performance by establishing the number of necessary authorized users for the command.
16. Ensure all authorized users of the command understand and comply with computer security guidelines.
17. Frequently observe all areas and Department vehicles with computer equipment and ensure security guidelines are complied with.
18. Investigate any circumstances or conditions which may indicate abuse of the computer system(s).
19. Maintain sign-on tables and issue passwords for the following systems to access through Omniform:
    a. On-Line Booking System (OLBS)
    b. Booking Arraignment Disposition System (BADS)
    c. Local Arrest Processing System (LAPS).
20. Conduct a monthly audit of the Domain Awareness System.
    a. Select five members of the service at random who have access to the Domain Awareness System.
    b. Review each selected member's activity, including video access activity, to ensure compliance with the Department's rules and regulations regarding computer systems.
    c. Document results of monthly inspection on **Typed Letterhead** and file at command.

***ADDITIONAL DATA***

*DEPARTMENT COMPUTER USE POLICY AND MONITORING NOTICE*

*All members of the service are advised that all Police Department computer systems and equipment are intended for the purposes of conducting official Department business only. Use of Department computer systems for personal or non-Department business matters is strictly prohibited and individuals who are found in violation of this policy are notified that they will be subject to disciplinary action. In addition, use of Department computer systems to disseminate derogatory or discriminatory material is strictly prohibited.*

*All members of the service are hereby notified that the Department reserves and will exercise the right to review, intercept, access and disclose all material on the Department's computer systems at any time, including e-mail communications, with or without notice to the member of the service concerned. These policies are established to ensure that users of Department computer systems and equipment maintain Department standards of professionalism and integrity.*

***ADDITIONAL DATA (continued)***

*Commanding officers are responsible for the security and proper utilization of computer equipment within their commands. Commands that are not operational on a 24-hour basis will ensure that when the command is closed, ALL Department computer systems are secured. In addition, commanding officers will be familiar with A.G. 325-35, "Department Computer Use Policy and Monitoring Notice."*

*Requests for focused audits of computer terminal activity from the Internal Affairs Bureau, commanding officers, integrity control officers, investigations units, etc., must be prepared on* ***Typed Letterhead****, and addressed to the Deputy Commissioner, Information Technology at 1 Police Plaza, Room 900. Focused audits may include various criteria such as a member of the service's password, tax registry number, sign-on/sign-off time, license plate/VIN check, etc., that was performed during a particular time period.*

***RELATED PROCEDURES***

*Department Confidentiality Policy (P.G. 203-22)*
*Allegations of Corruption and Other Misconduct Against Members of the Service (P.G. 207-21)*
*Department Computer Use Policy and Monitoring Notice (A.G. 325-25)*

***FORMS AND REPORTS***

***Typed Letterhead***

NYPD

**PURPOSE** To account for portable radios assigned to commands.

**PROCEDURE** When portable radios are assigned to command:

**COMMANDING OFFICER**

1. Have desk officer/ranking officer account for portable radios each tour.
2. Designate a secure area within the muster room/desk area and under the control of the desk officer/ranking officer for storage of radios not being used.
3. Maintain portable radio record utilizing the following forms:
   a. **RADIO ASSIGNMENT LOG (PD647-141)**
   b. **Radio Identification Record (Misc. 249)**
      (1) Complete prior to opening portable radio record and staple on inside front cover of **RADIO ASSIGNMENT LOG**.
   c. **Defective Radios (Misc. 250)**
      (1) Complete appropriate captions prior to opening portable radio record and staple on inside rear cover of **RADIO ASSIGNMENT LOG**.
4. Have members instructed periodically in proper distribution, care, use and safeguarding of radios.
5. Have radios sustaining major damage, delivered with all parts, and a copy of report, through channels, to Commanding Officer, Electronics Section.
6. Forward report to Commanding Officer, Electronics Section and Commanding Officer, Operations Unit, Office of the Chief of Department, without delay, if radio is permanently transferred to another command.
   a. Review Department records quarterly, to determine if any radios have been assigned on a permanent basis from your command. Confer with command integrity control officer, Intelligence Bureau and any other outside agency to determine the necessity of continuance of such assignment.

***NOTE*** *Commands are not authorized to transfer radios to other commands. All radio reassignments must be approved by the Deputy Commissioner, Information Technology.*

**UNIFORMED MEMBER OF THE SERVICE ASSIGNED**

7. Replace batteries at beginning of tour.
   a. Keep used batteries in battery charger until indicator light turns green.
   b. Deliver defective batteries to the Electronics Section. Up to fifteen batteries will be replaced at one time.
8. Issue radios to members of outgoing platoon on priority basis as established by commanding officer.
9. Enter required information in **RADIO ASSIGNMENT LOG**.
10. Enter radio inventory in Recapitulation Section of **RADIO ASSIGNMENT LOG**, following last entry concerning outgoing platoon each tour.
11. Account for and examine each radio, antenna, battery and radio case returned at conclusion of previous tour.

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

a. Prepare **COMPLAINT REPORT (PD313-152)** with Internal Affairs Bureau log number and report facts to commanding officer if radio is lost or stolen.
b. Prepare **COMPLAINT REPORT** with Internal Affairs Bureau log number and report facts to commanding officer for missing antennas, batteries or radio cases.
c. Report damage or missing parts to commanding officer.

WHEN RADIO HAS BEEN DAMAGED:

**COMMANDING OFFICER**

12. Investigate circumstances.
13. Take appropriate action (instruction, Command Discipline and/or Charges and Specifications) if damage is attributable to individual carelessness, misuse, or abuse.
14. Prepare report on Typed Letterhead to borough commander/counterpart including:
    a. Circumstances leading to damage of radio
    b. Whether damage caused by carelessness, misuse or abuse
    c. Corrective action taken.
15. Forward report, as follows:
    a. Original - Borough commander/counterpart
    b. Copy – Deputy Commissioner, Information Technology, through channels
    c. Copy - Electronics Section (WITH RADIO)
    d. Copy - file.

WHEN RADIO IS DEFECTIVE:

**UNIFORMED MEMBER OF THE SERVICE ASSIGNED**

16. Re-check radio with freshly charged battery.
17. Prepare and attach radio repair ticket, including brief description of malfunction.
18. Deliver defective radio with tag to the Electronics Section, as soon as possible.
    a. Remove radio antenna, battery and speaker microphone from radio before delivering radio for repair and safeguard at command.

***NOTE*** *Do not store defective radios at the command. The Electronics Section will not accept more than ten defective radios at a time. When radio antennas, cases or chargers are defective, notify Electronics Section stock room and comply with instructions given.*

19. Make appropriate entry on Defective Radios form.
20. Telephone the Electronics Section within four weeks to determine it the radio has been repaired.

**DESK/ RANKING OFFICER**

21. Assign member to report to the Electronics Section to pick up repaired radio.
22. Enter date and signature on Defective Radio form when radio is returned and make Command Log entry indicating serial numbers of all radios returned to command.

***NOTE*** *All members of the service reporting to the Electronics Section in uniform or civilian attire must sign in at the security office. A shield and* ***IDENTIFICATION CARD (PD416-091)*** *must be presented when picking up or removing Department property.*

WHEN RADIO IS LOST, STOLEN OR RECOVERED:

**DESK/ RANKING OFFICER**

23. Notify Operations Unit and obtain serial number for inclusion in commanding officer's report to the bureau chief concerned.
24. Notify Electronics Section, Security Desk and provide Operations Unit serial number and obtain Electronics Section serial number.
25. Notify Internal Affairs Bureau, Command Center and obtain log number to be entered under "Details" on **COMPLAINT REPORT**.
26. Notify Stolen Property Inquiry Section (Alarm Board) of radio number.
27. Notify patrol borough concerned, and advise of **COMPLAINT REPORT** number, Operations Unit number, Electronics Section number and Internal Affairs Bureau log number, if radio assigned to a patrol precinct/Strategic Response Group member.

**COMMANDING OFFICER**

28. Investigate circumstances of loss, theft or recovery of radio.
29. Have **COMPLAINT REPORT** prepared for lost/stolen radio and **Omniform Complaint Revision** prepared for recovered radio.
    a. Indicate under appropriate caption that duplicate copies are to be forwarded to Internal Affairs Bureau, bureau command, and patrol/detective borough command.

**PRECINCT DETECTIVE SQUAD COMMANDING OFFICER**

30. Examine **COMPLAINT REPORTS** prepared, including those reports referred to the precinct squad, concerning the loss or theft of Department radios.
31. Notify Commanding Officer, Major Case Squad of loss/theft of radio by telephone and forward a duplicate copy of the **COMPLAINT REPORT** or **Omniform Complaint Revision**, as appropriate, with a report on **Typed Letterhead**.

**COMMANDING OFFICER**

32. Enter explanation and **COMPLAINT REPORT** serial number under "Remarks" in Radio Identification Record.
33. Prepare report, including circumstances of loss or theft, **COMPLAINT REPORT** serial number, and determination by investigating officer whether disciplinary action is appropriate.
    a. Loss of a portable radio by a member of the service assigned to patrol in uniform shall be deemed negligence when the radio was not carried in the authorized carrying case.

***NOTE*** *Where warranted, proposed disciplinary action will be indicated in the report as a RECOMMENDATION. HOWEVER, the disciplinary action will be held in abeyance until APPROVED, by the bureau chief concerned, via return endorsement on the original report. Within the Patrol Services Bureau, Housing Bureau or Transit Bureau, the Borough Commander or Chief of Special Operations, as appropriate, will act upon the disciplinary action recommendation and will expeditiously forward a copy of the endorsed report to the Chief of Patrol, via the Investigation and Evaluation Section.*

**COMMANDING OFFICER (continued)**

34. Forward report as follows:
    a. Original - Bureau Chief concerned, through channels
    b. Copy - Chief of Department, DIRECT
    c. Copy - Deputy Commissioner, Information Technology, through channels
    d. Internal Affairs Bureau
    e. Copy - Command file.

**BUREAU CHIEF CONCERNED**

35. APPROVE/DISAPPROVE recommended disciplinary action by return endorsement on original report, except in cases involving the Patrol Services Bureau.

**COMMANDING OFFICER**

36. Forward copy of final disposition of disciplinary action taken to the Chief of Department.

**INTEGRITY CONTROL OFFICER**

37. Review Department records monthly pertaining to Department radios assigned to command.
    a. Ensure Department radios are being maintained and are accounted for.
38. Identify Department radios assigned on a permanent basis from command.
    a. Confer with commanding officer pertaining to the necessity of such radios being assigned on permanent basis.

***ADDITIONAL DATA***

*All commands are required to maintain a portable radio record and arrange for expeditious delivery of defective radios to Electronics Section and pickup when repaired.*

*A commanding officer may, when necessary, establish additional procedures to account for and safeguard portable radios. For example, when a member of the service from an outside command borrows a portable radio, the identity of the member must be verified by the desk officer and appropriate command blotter entries made.*

*Department vehicles with defective radios that require repair will be brought to the Electronics Section between 0700 X 1500 hours, seven days a week. A limited number of personnel will be performing duty between 1500 and 2400 hours for EMERGENCY repairs only.*

*Any unit wishing to procure personal portable radios for their particular unit using Department funds must obtain written approval from the Deputy Commissioner, Information Technology. All procurements will be effected through the Electronics Section to ensure that the Department's stringent specifications are met. All radios will be engraved with "NYPD" and a Department serial number for accountability purposes.*

***RELATED PROCEDURE***

*Loss Or Theft Of Department Property (P.G. 219-20)*

***FORMS AND REPORTS***

***COMPLAINT REPORT (PD313-152)***
***RADIO ASSIGNMENT LOG (PD647-141)***
***ROLL CALL (PD406-144)***
***Defective Radios (Misc. 250)***
***Radio Identification Record (Misc.249)***
***Typed Letterhead***
***Omniform Complaint Revision***

| Section: Department Property | | Procedure No: 219-17 | |
|---|---|---|---|
| **USE OF PATROL KITS** | | | |
| DATE ISSUED: 07/01/20 | DATE EFFECTIVE: 07/01/20 | REVISION NUMBER: | PAGE: 1 of 4 |

**PURPOSE** To provide instructions to members of the service in the proper maintenance, utilization, and disposal of Patrol Kit items.

**SCOPE** A Patrol Kit is a collection of personal protective equipment (PPE) items housed in a white plastic first-aid type carrying case. The case bears the NYPD logo and is marked with the words "Patrol Kit" on its cover. Each Patrol Kit consists of two disposable gowns, two disposable eye/mouth shields, two pairs of heavy duty gloves, two pairs of disposable shoe covers, ten antiseptic wipes, and a disposal "biohazard" bag for use against contact with blood or other potentially infectious materials (OPIM). OPIM includes semen, vaginal secretions, and fluid from the brain, spine, chest cavity, stomach, heart and joints. Saliva or urine not visibly contaminated with blood is not considered to be OPIM. Disposable gloves and Patrol Kit items must be properly disposed of after being utilized to protect one's hands, skin and clothing from direct contact with blood, OPIM, dead human bodies, and animals which may have infectious diseases. Contaminated or damaged personal protective equipment will not be reused and will be discarded in biohazard receptacles at designated Department facilities or hospitals.

**PROCEDURE** Maintain and utilize disposable gloves and Patrol Kit items as follows:

**VEHICLE OPERATOR**

1. Ensure that the Patrol Kit carry case is present and secure in the trunk of assigned/designated Department auto at beginning of tour.
2. Inspect contents of case to verify that all required Patrol Kit items, as listed in the SCOPE statement, are present in the quantities indicated.
   a. Also ensure that an adequate supply of disposable gloves are available in the Department auto.
3. Make digital **Activity Log** entry indicating results of inspection.
   a. Report missing/damaged Patrol Kit items to the patrol supervisor and promptly replace them.

***NOTE*** *Adequate supplies of Patrol Kit items/disposable gloves should be maintained at commands at all times and stored where they will be readily accessible for use. At least one carrying case containing a Patrol Kit is to be affixed to a wall in a conspicuous, accessible location at each precinct, transit district, police service area, court section, medical district, Aviation, Crime Scene, Harbor, Mounted Unit and Highway District location.*

**MEMBER OF THE SERVICE**

4. Utilize disposable plastic gloves and Patrol Kit items when necessary to handle persons, animals or items in a safe, sanitary manner.

***NOTE*** *The following are examples of when members of the service should use Patrol Kit items/disposable gloves:*

*a. Contact with blood, body fluids, secretions, excretions, etc.*
*b. Searching dead human bodies*
*c. Contact with hazardous materials or persons or animals having or suspected of having infectious diseases (see P.G. 212-37, "Hazardous Materials" and 205-10, "Exposure Of Members Of The Service To Infectious Diseases Or Hazardous Materials")*
*d. Searching prisoners (disposable gloves should ordinarily be sufficient)*
*e. Fingerprinting (disposable gloves should ordinarily be sufficient).*

*Members of the service who do not have access to a Patrol Kit and are present at a scene requiring the use of a Patrol Kit may request one via the communications dispatcher. An available unit possessing the Kit will be directed to respond to the requesting member's location.*

**MEMBER OF THE SERVICE (continued)**

5. Confer with immediate supervisor before using Patrol Kit items/disposable gloves at a parade, demonstration, etc.
   a. Supervisor will make determination based on circumstances and advise members of proper action.
6. Avoid contact with outside surface of Patrol Kit items/disposable gloves after use if possibility of contamination exists.
7. Remove used gloves as follows:
   a. Grasp cuff of one glove and remove by pulling glove inside out.
   b. Place fingers inside second glove and pull inside out.
8. Handle used gloves/Patrol Kit items by uncontaminated surface and place inside plastic bag.
9. Cleanse hands with antiseptic wipe and place used wipe in plastic bag with other contaminated items.
   a. Seal plastic bag containing contaminated Patrol Kit items/disposable gloves and antiseptic wipe.
10. Refer to the instructions contained in the plastic case housing of the Patrol Kit for information regarding the Kit's safe use and disposal.
11. Deposit only contaminated items in the thirty-two gallon biohazard receptacle lined with a red biohazard bag.

***NOTE*** *<u>Only items contaminated with blood or OPIM need to be disposed of in biohazard receptacles located in each command</u>. Gloves used while fingerprinting or searching prisoners, and PPE items worn but not contaminated, may be discarded in a regular trash receptacle.*

12. Wash hands, preferably with anti-bacterial or brown soap, as soon as possible after exposure.

**DESK OFFICER/ CENTRAL BOOKING SUPERVISOR**

13. Contact Medical Division Sick Desk supervisor to arrange for messenger to pick up regulated infectious waste.
14. Ensure that Medical Division messenger removes and seals the regulated infectious waste liner and places a new biohazard liner in the receptacle.

***NOTE*** *Biohazard waste liners should be closed prior to removal from the receptacle in order to prevent spillage. If the outside of a liner or container becomes contaminated, it must be placed within a second suitable liner or container. The regulated infectious waste liners must be transported in a covered, leakproof container with a biohazard label prominently displayed on the outside of the container. The Medical Division messenger shall be appropriately trained in the use of Patrol Kit items/disposable gloves and infection control procedures. Biohazard labels are available from the Quartermaster Section.*

**DESK OFFICER/ CENTRAL BOOKING SUPERVISOR (continued)**

15. Make a Command Log entry of facts regarding removal of biohazard waste by Medical Division messenger.

***ADDITIONAL DATA***

*Emergency situations, circumstances, and time constraints may hinder or prevent a member from properly donning Patrol Kit items/disposable gloves, thereby making the member more vulnerable to contamination from blood or other potentially infectious materials. Members who have any contact with hazardous materials, blood, or OPIM will immediately comply with P.G. 205-10, "Exposure of Members of the Service to Infectious Diseases or Hazardous Materials." In the event that a uniform item becomes significantly contaminated (e.g. soaked through with blood or OPIM), the item(s) in question will be removed as soon as possible and placed in the disposable red biohazard liner contained in the Patrol Kit. The member of the service will be allowed to shower as soon as possible.*

*A uniform item contaminated with small splatters of blood which have not soaked through the item may be machine washed with a non-chlorine bleach separately from other household laundry. A second wash/rinse cycle should then be used to rinse the inside of the washing machine.*

*Non-disposable uniform items (nameplates, shields, etc.) may be effectively decontaminated with a freshly mixed solution of one part bleach to ten parts water.*

*Members seeking reimbursement to replace damaged uniform items will refer to P.G. 204-07, "Lost Or Damaged Uniform."*

*If an Emergency Medical Service ambulance is present at the scene of an incident where members of the service have soiled Patrol Kit items/disposable gloves, such items may be disposed of in the contaminated waste container located in the body of the ambulance. However, Emergency Medical Service ambulances <u>are not</u> to be called to the scene merely for the disposal of soiled Patrol Kit items/disposable gloves. In cases where no ambulance is present, or a private ambulance not under the jurisdiction of Emergency Medical Service is present, or ambulance personnel refuse to allow disposal, Patrol Kit item/disposable gloves should be secured in the plastic bags supplied for such purpose and <u>transported to the precinct/command of occurrence</u> for disposal.*

*The Health and Hospitals Corporation has granted permission for members of the service to dispose of used Patrol Kit items/disposable gloves in the contaminated waste containers in the emergency rooms of designated municipal hospitals in those situations where Patrol Kit items/disposable gloves have been worn while transporting a patient to that hospital for treatment. These designated hospitals are:*

***ADDITIONAL DATA (continued)***

*MANHATTAN HOSPITALS*
*Bellevue*
*Metropolitan*
*Harlem*

*BRONX HOSPITALS*
*Bronx Municipal*
*North Central Bronx*
*Lincoln*

*QUEENS HOSPITALS*
*Elmhurst*
*Queens Hospital Center*

*BROOKLYN HOSPITALS*
*Coney Island*
*Kings County*
*Woodhull*

*Members of the service are not to bring contaminated Patrol Kit items/disposable gloves to an emergency room for disposal if not transporting a patient for treatment at that hospital. Where a patient has not been transported to a participating hospital or, if the emergency room staff refuses to allow disposal, members of the service will secure the Patrol Kit items/disposable gloves in the plastic bag supplied for such purpose and transport to precinct/command of occurrence for disposal. Commanding officers should seek to establish a relationship with non-municipal hospitals within their commands to which ambulances respond, in an effort to obtain authorization for disposal of Patrol Kit items/disposable gloves in the hospital's emergency room.*

*The following Patrol Kit items/disposable gloves may be ordered directly from the Quartermaster Section by utilizing the following index numbers:*

| *ITEM* | *INDEX NUMBER* |
|---|---|
| *Disposable gloves* | *1134* |
| *Glove kits* | *1141* |
| *Antiseptic skin wipes* | *1345* |
| *Patrol Kit (complete)* | *1343* |
| *Patrol Kit carrying case (to replace damaged cases only)* | *1344* |
| *32 gallon biohazard receptacle* | *3622* |
| *32 gallon biohazard liner* | *3007* |
| *Biohazard sticker (1 1/2"x 1/2")* | *2444* |
| *Biohazard sticker (4"x 5")* | *2443* |

***RELATED PROCEDURES***

*Exposure Of Members Of The Service To Infectious Diseases Or Hazardous Materials (P.G. 205-10)*
*Hazardous Materials (P.G. 212-37)*
*Lost Or Damaged Uniform (P.G. 207-07)*

| Section: Department Property | | Procedure No: 219-18 | |
|---|---|---|---|
| **INSPECTION OF SUPPLIES** | | | |
| DATE ISSUED: 08/01/13 | DATE EFFECTIVE: 08/01/13 | REVISION NUMBER: | PAGE: 1 of 1 |

**PURPOSE** To insure that supplies received are of proper quantity and quality.

**PROCEDURE** When supplies are received at a command:

**DESK OFFICER**

1. Have supplies inspected for quantity, quality and condition.
2. Sign vendor's receipt if delivery is in good condition.
3. Refuse to accept supplies if shipment is damaged, or does not meet quality standards.
4. Make Command Log entry of receipt or state reason why supplies were not accepted.
5. Notify commanding officer if supplies are not accepted.

**COMMANDING OFFICER**

6. Have report prepared on **Typed Letterhead** and **Department of Purchase Form 23-QQ-96 (REPORT OF UNSATISFACTORY MATERIAL)** to the Quartermaster Section if the delivery is deficient in any way.

***NOTE*** *If the supplies received are less than originally ordered, but otherwise acceptable, the desk officer may accept the supplies but receipt only for actual amount received.*

***FORMS AND REPORTS*** ***Department of Purchase Form 23-QQ-96 (REPORT OF UNSATISFACTORY MATERIAL)***
***Typed Letterhead***

NYPD

# PATROL GUIDE

| Section: Department Property | | Procedure No: 219-19 | |
|---|---|---|---|
| **INSPECTION OF DEPARTMENT LOCKERS - OFFICIAL INVESTIGATIONS** | | | |
| DATE ISSUED: 08/01/13 | DATE EFFECTIVE: 08/01/13 | REVISION NUMBER: | PAGE: 1 of 1 |

**PURPOSE** To permit the inspection of a Department locker in connection with an official investigation.

**PROCEDURE** When a member of the service is directed to open his/her locker by a supervising member of the service:

**MEMBER OF THE SERVICE**

1. Comply with direction.

**SUPERVISING MEMBER**

2. Inspect contents of locker:
   a. Member concerned will witness inspection.
   b. If member is not present, another member of the service will witness inspection.

**MEMBER OF THE SERVICE**

3. Secure locker after inspection is completed.
4. Follow direction of supervising officer.

**SUPERVISING MEMBER**

5. Enter in Command Log:
   a. Number(s) of locker(s) inspected
   b. Member(s) to whom locker(s) assigned
   c. Reason for inspection
   d. Results of inspection
   e. Member(s) present at inspection.

***NOTE*** *A supervisory member of the service may inspect Department lockers at any time during an official investigation. If the member assigned to a locker is not present during an inspection, the inspecting member is required to notify the member concerned, and provide for the safekeeping of the equipment and reimbursement to the member if the lock is damaged.*

NYPD

# PATROL GUIDE

| Section: Department Property | | Procedure No: 219-20 | |
|---|---|---|---|
| **LOSS OR THEFT OF DEPARTMENT PROPERTY** | | | |
| DATE ISSUED: 09/27/16 | DATE EFFECTIVE: 09/27/16 | REVISION NUMBER: | PAGE: 1 of 2 |

**PURPOSE** To investigate and record the loss or theft of Department property.

**PROCEDURE** Upon discovering the loss or theft of Department property:

**MEMBER OF THE SERVICE**

1. Report facts to desk officer.

**DESK OFFICER**

2. Notify commanding officer and operations coordinator.

**OPERATIONS COORDINATOR**

3. Conduct investigation.
4. Make Command Log entry of facts and results of investigation.
5. Prepare report, on **Typed Letterhead,** addressed to commanding officer.
6. Have **COMPLAINT REPORT (PD313-152)** prepared.
   a. Indicate, under appropriate caption, that duplicated copies are to be forwarded to the Internal Affairs Bureau, the Quartermaster Section, (ONLY if Department property, lost or stolen, was issued by the Quartermaster Section) and Patrol/Transit/Housing Borough, Detective Borough, or bureau concerned.
7. Notify Internal Affairs Bureau Command Center, by telephone, and enter Internal Affairs Bureau log number under "Details" on **COMPLAINT REPORT**.
8. Notify Stolen Property Inquiry Section (Alarm Board) if property has identifying letters or numbers on it for purpose of transmitting alarm.
   a. If Vehicle Identification Plate is lost/stolen, give Vehicle Identification Plate number including the letter "P", if appropriate, and the expiration date of the plate.
9. Notify Transit Special Investigations Unit, Transit Bureau Wheel and the Employee Resources Section if property consists of a New York City Transit (NYCT) Police Pass MetroCard.
10. Forward three copies of report to Commanding Officer, Fleet Services Division for loss of a tire, tool, etc., from a Department vehicle.
    a. Forward one copy direct to the Commanding Officer, Transit Bureau, if property consists of NYCT Police Pass MetroCard and one copy with **COMPLAINT REPORT** direct to the Commanding Officer, Employee Resources Section, if property consists of NYCT Police Pass MetroCard, Long Island Railroad Police Pass or Metro North Police Pass.

***NOTE*** *In cases where the loss or theft of a NYCT Police Pass MetroCard, Long Island Railroad and/or Metro North Police Pass occurs outside New York City the member will notify the local police agency and desk officer, command of assignment. The desk officer will make a Command Log entry and notify the operations coordinator who will conduct an investigation, notify IAB and comply with step "10" subdivision "a," as appropriate. The IAB log number must be included in the report.*

**OPERATIONS COORDINATOR (continued)**

11. Take other action as appropriate.

**COMMANDING OFFICER**

12. Review result of investigation.

***ADDITIONAL DATA***

*Each precinct squad commander will examine **COMPLAINT REPORTS** prepared, including those **REPORTS** not referred to the precinct squad, concerning the loss or theft of police related equipment. Such equipment will include, but is not limited to, law enforcement frequency radios, police vehicles, uniforms, shields or identification cards, bulletproof vests or police type emergency lights or sirens. The squad commander will notify the Commanding Officer, Major Case Squad of such loss/theft by telephone and forward a duplicated copy of the **COMPLAINT REPORT** or **Omniform Complaint Revision**, as appropriate, with a covering report, on **Typed Letterhead**, to the Major Case 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 PROCEDURE***

*Portable Radio Transceivers (P.G. 219-15)*
*Lost/Stolen Firearm, Shield, Identification Card (P.G. 219-21)*

***FORMS AND REPORTS***

***COMPLAINT REPORT (PD313-152)***
***Typed Letterhead***
***Omniform Complaint Revision***

NYPD

| Section: Department Property | | Procedure No: 219-21 | |
|---|---|---|---|
| **LOST/STOLEN FIREARM, SHIELD, IDENTIFICATION CARD** | | | |
| DATE ISSUED: 04/20/17 | DATE EFFECTIVE: 04/20/17 | REVISION NUMBER: | PAGE: 1 of 3 |

**PURPOSE** To investigate circumstances when a member of the service (uniformed or civilian) reports a lost/stolen firearm, police shield or **IDENTIFICATION CARD (PD416-091)**.

**PROCEDURE** When a member of the service discovers the loss/theft of a firearm, shield or **IDENTIFICATION CARD**:

**MEMBER OF THE SERVICE**

1. Notify desk officer, precinct of occurrence, immediately.

***NOTE*** *In Nassau or Suffolk counties, notify desk officer, 105th Precinct. In Westchester, Orange, Putnam or Rockland counties, notify desk officer, 50th Precinct. If loss/theft occurs in other than New York City or the residence counties, notify Operations Unit direct. In addition, the local police agency will be notified immediately and requested to transmit a FINEST notification to this Department.*

2. Prepare part "A" of **LOST/STOLEN FIREARM/SHIELD/I.D. CARD REPORT (PD520-150)**.
   a. If loss/theft occurred outside city, the desk officer or Operations Unit member receiving the report will prepare both parts "A" and "B" of the report.
3. Report loss/theft to commanding officer at first opportunity and include all information available.

**DESK OFFICER**

4. Make a Command Log entry of facts.
   a. If member reporting loss/theft is not assigned to precinct of report, prepare and forward a transcript of the Log entry to the member's commanding officer.
5. Notify commanding officer/duty captain and Operations Unit immediately.
6. Prepare part "B" of **LOST/STOLEN REPORT**.
7. Ensure that **COMPLAINT REPORT (PD313-152)** is finalized and alarm transmitted.

***NOTE*** *A **COMPLAINT REPORT** will not be prepared nor will an alarm be transmitted if the loss/theft occurred outside New York City. However, a Command Log and/or Telephone Record entry will be made.*

8. Notify Internal Affairs Bureau Command Center and enter Internal Affairs Bureau log number under "Details" on **COMPLAINT REPORT**, if prepared, or in Telephone Record, if **COMPLAINT REPORT** is not prepared.

**COMMANDING OFFICER/ DUTY CAPTAIN**

9. Conduct immediate investigation.
   a. Communicate, by telephone, with agency receiving report, if loss/theft occurred outside New York City.
   b. Interview member of the service concerned reporting loss/theft, by telephone, if necessary.
10. Prepare part "C" of **LOST/STOLEN REPORT**.
   a. Include recommendation concerning negligence by member of the service.
11. Prepare **SUPERVISOR'S COMPLAINT REPORT/COMMAND DISCIPLINE ELECTION REPORT (PD468-123)**, if circumstances warrant.
12. Distribute **LOST/STOLEN REPORT** as indicated on bottom of form.
13. Forward **SUPERVISOR'S COMPLAINT REPORT/COMMAND DISCIPLINE ELECTION REPORT** to commanding officer of member reporting loss/theft.

***NOTE*** *If the duty captain conducts the investigation, a copy of the **SUPERVISOR'S COMPLAINT REPORT/COMMAND DISCIPLINE ELECTION REPORT** will be filed in the permanent command of the duty captain.*

**MEMBER'S COMMANDING OFFICER**

14. Have notation made on member's **FORCE RECORD (PD406-143)** of time and date of the Command Log entry concerning the loss/theft of firearm.
15. Determine if disciplinary action should be taken.

***NOTE*** *When it has been determined that disciplinary action should be taken for the loss of or failure to safeguard a firearm, a consultation with the Department Advocate's Office will be made to determine appropriate disciplinary action.*

16. Initiate command discipline or formal charges, if circumstances warrant.
17. Enter disposition on **SUPERVISOR'S COMPLAINT REPORT/ COMMAND DISCIPLINE ELECTION REPORT** and file.
   a. Forward duplicate copy of **LOST/STOLEN REPORT**, through channels, to Department Advocate (Schedule B cases only).
18. Prepare part "D" of **LOST/STOLEN REPORT** giving particulars and/or results of investigation and any action taken or contemplated.
19. Distribute **LOST/STOLEN REPORT** as indicated on rear of form.

**MEMBER OF THE SERVICE**

20. Report to Commanding Officer, Employee Resources Section to obtain a new shield or **IDENTIFICATION CARD**.
   a. Return to permanent command and request clerical member to enter new shield number on **FORCE RECORD**.

***ADDITIONAL DATA***

*Members of the service assigned to Police Headquarters whose firearm/shield/* ***IDENTIFICATION CARD*** *is lost/stolen within the confines of the 5th Precinct will immediately report the loss/theft to the Headquarters Security Unit. Members of the service assigned to the Police Academy or units within the Police Academy facility (other than 13th Precinct personnel) whose firearm/shield/****IDENTIFICATION CARD*** *is stolen/lost within the confines of the 13th Precinct will immediately report the loss/theft of firearm/shield/****IDENTIFICATION CARD*** *to the Police Academy Integrity Unit. A captain or above from the reporting members command will conduct the investigation, prepare the* ***LOST/STOLEN FIREARM/SHIELD/I.D. CARD REPORT****, and the* ***SUPERVISOR'S COMPLAINT REPORT/COMMAND DISCIPLINE ELECTION REPORT****. Headquarters Security Unit or Police Academy Integrity Unit personnel will make the notifications required by the preceding procedure and* ***COMPLAINT REPORT*** *serial numbers will be obtained from the 5th or 13th Precinct, as appropriate.*

*If the loss/theft of a shield occurs at a time when the Employee Resources Section is closed and the member concerned is scheduled to perform duty in uniform, the member will be assigned to duty in uniform without a shield until the Employee Resources Section opens the next business day.*

*Reports of lost/stolen auxiliary police shields will be processed as directed in P.G. 207-12 "Lost or Stolen Property/Identity Theft." The command clerk will enter in the box captioned "Additional Copies For" - Auxiliary Police Section.*

*Auxiliary police shields coming into the possession of the Department, if not required as evidence, will be forwarded, with a report of the circumstances, to the Commanding Officer, Auxiliary Police Section. A* ***PROPERTY CLERK INVOICE (PD521-141)*** *is 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)*
*Schedule "A" and Schedule "B" Command Disciplines (P.G. 206-02)*
*Authorized Penalties Under Command Discipline (P.G. 206-04)*
*Preparation of Charges and Specifications or Schedule "C" Command Discipline (P.G. 206-05)*
*Service And Disposition Of Charges And Specifications (P.G. 206-06)*

***FORMS AND REPORTS***

***COMPLAINT REPORT (PD313-152)***
***FORCE RECORD (PD406-143)***
***IDENTIFICATION CARD (PD416-091)***
***LOST/STOLEN FIREARM /SHIELD/I.D. CARD REPORT (PD520-150)***
***PROPERTY CLERK INVOICE (PD521-141)***
***SUPERVISOR'S COMPLAINT REPORT/COMMAND DISCIPLINE ELECTION REPORT (PD468-123)***

| Section: Department Property | | Procedure No: 219-22 | |
|---|---|---|---|
| **OPERATION OF VENDING MACHINES WITHIN DEPARTMENT FACILITIES** | | | |
| DATE ISSUED: 01/26/15 | DATE EFFECTIVE: 01/26/15 | REVISION NUMBER: | PAGE: 1 of 3 |

**PURPOSE** To set guidelines for the operation of vending machines by precinct clubs or similar associations within Department facilities.

**DEFINITIONS** COMMAND CLUBS - Formal or informal association of all Department personnel within a Department facility.

VENDING MACHINE - Coin operated machine owned/leased and operated by members of a precinct club to dispense food, nonalcoholic beverages and cigarettes.

***NOTE*** *The presence of coin operated non-vending machines, e.g., video games, pool tables, etc., is prohibited in any Department facility.*

**PROCEDURE** When a precinct club or similar association of Department employees decides to purchase/lease and operate vending machines for use within a Department facility:

**COMMAND CLUB MEMBERS**

1. Admit to membership all Department personnel assigned to the facility.
2. Obtain consent of commanding officer/counterpart PRIOR to purchasing/ leasing a vending machine.
3. Provide commanding officer/counterpart with names of members responsible for operating the vending machines.
   a. Provide the names of principals of company from which vending machine will be purchased or leased.

**COMMANDING OFFICER**

4. Request record check of principals of company from the Intelligence Bureau.
5. Direct that members of the command club purchase/lease vending machines needed and maintain an accurate record of expenses and income from each machine.
6. Inform members of the command club that vending machines owned and operated by private companies or individuals SHALL NOT BE INSTALLED OR MAINTAINED IN DEPARTMENT FACILITIES.
7. Request Building Maintenance Section conduct a survey to determine if proposed vending machine location possesses adequate electrical wiring capacity to safely operate the vending machine.
   a. Obtain written approval from the C.O., Building Maintenance Section.

**COMMAND CLUB MEMBERS**

8. Place vending machines in locations within facility that have been approved by the facility commander.

***NOTE*** *The facility commander's knowledge and consent with regard to the placement or location of vending machines SHALL NOT be construed as either a license or lease of an area in a Department facility.*

9. Maintain an accurate monthly record of expenses and income for EACH machine as follows:
   a. Utilize a bound book, entitled "Vending Machine Ledger" divided equally into sections to accommodate EACH machine in command, containing information relative to ALL transactions effecting vending machine funds, and captioned on a single page as follows:

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**(ACROSS TOP OF PAGE)**

| **TYPE OF MACHINE** (soda, candy, etc.) | **STATUS** (Leased/owned) | **MONTH/YEAR** |
|---|---|---|

**(FIRST LINE OF PAGE)**

| **DATE** (Mo./Day/Yr.) | **TRANSACTION #** (# of each transaction, starting with #1 each calendar year). | **DEBITS** (Cost of product and maintenance expenses) | **CHECK #** | **PURPOSE** (Reason for debit, supplies, lease, maintenance, etc.) | **CREDITS** (Money taken from machine) |
|---|---|---|---|---|---|

**(SAMPLE ENTRIES)**

| | | | | | |
|---|---|---|---|---|---|
| | **Coffee** | | **Leased** | | **July/1996** |
| **07/15/96** | **34** | _____ | _____ | **Coins removed from machine** | **$75.00** |
| **07/15/96** | **35** | **$175.00** | **13** | **Supplies ordered for machine** | _____ |

**LOSS $100.00**

***NOTE*** *Upon listing of last monthly transaction, draw a double line and indicate total loss or profit for that machine.*

**COMMAND CLUB MEMBERS (continued)**

b. Utilize a bound book, entitled "Club Activity Expenditures Ledger," containing information relative to ALL monies derived from vending machines and expenditures of same, and captioned on a single page as follows:

**(ACROSS TOP OF PAGE)**

| **MONTH/YEAR** | **OPENING BALANCE** (Actual total of ALL monies from previous month.) |
|---|---|

**(FIRST LINE OF PAGE)**

| **DATE** (Mo./Day/Yr.) | **TRANSACTION #** (# of each transaction, starting with #1 each calendar year). | **CHECK #** (Avoid cash, if possible) | **AMOUNT** (Amount of check) | **PURPOSE** (Brief description of reason for expenditure, e.g., club function, flowers, materials, etc.) |
|---|---|---|---|---|

**(SAMPLE ENTRIES)**

| | | | | |
|---|---|---|---|---|
| | **June/1996** | | **$1553.00** | |
| **06/06/96** | **38** | **12** | **$75.00** | **Precinct paddle ball tournament.** |
| **06/20/96** | **39** | **13** | **$25.00** | **Flowers for P.O. O'Neill** |

**CLOSING BALANCE $1453.00**

***NOTE*** *Upon listing of last monthly transaction, draw a double line and indicate total closing balance.*

**COMMAND CLUB MEMBERS (continued)**

c. A folder entitled "Documentation File," containing bills, receipts, etc., of EVERY financial transaction.

d. A folder entitled "Bank Statement File," containing bank statements, deposit slips, cancelled checks and other banking correspondence.

***NOTE*** *Commanding officer/counterpart will inspect ledgers monthly by indicating date, time and signature.*

10. Operate and stock all vending machines, set prices and collect money deposited in each machine.
11. Set reasonable prices for all items dispensed to prevent any substantial accumulation of cash in excess of what would be reasonably required to cover expenses.
12. Place the following notice on each vending machine:
"FOR USE BY POLICE DEPARTMENT EMPLOYEES ONLY".
13. Promptly handle complaints of inoperative machines, lost coins, etc.
14. Comply with all City, State and Federal tax laws relating to the sale of items in vending machines.

***ADDITIONAL DATA*** *Any surplus cash earned will belong to all members of the club. The surplus cash, with the consent of club members, may be used to defray costs of social events, gifts to members on special occasions, e.g. flowers, condolence cards, mementos of service, etc., or to purchase items for use within the facility for the common benefit of all club members.*

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# PATROL GUIDE

| Section: Department Property | | Procedure No: 219-23 | |
|---|---|---|---|
| **SOLAR CELLULAR CALLBOXES** | | | |
| DATE ISSUED: 02/04/15 | DATE EFFECTIVE: 02/04/15 | REVISION NUMBER: | PAGE: 1 of 1 |

**PURPOSE** To ensure that all components of a solar cellular callbox are in place and the callbox is functioning properly.

**PROCEDURE** When an alarm is received at a solar cellular callbox:

**UNIFORMED MEMBER OF THE SERVICE**

1. Respond as directed by the radio dispatcher.
2. Ascertain that the following components are in place:
   a. Antenna
   b. Solar panel
   c. Pole
   d. Sign - "Emergency Phone"
   e. Callbox
   f. Handset and cable (cord).
3. Make a test call to Communications Section:
   a. Verify the operability of the callbox
   b. Verify callbox number
   c. Verify callbox location.
4. Prepare appropriate reports for damaged or missing components:
   a. **COMPLAINT REPORT (PD313-152)** when investigation reveals vandalism, damaged or missing components.
   b. **Police Accident Report (MV104AN)** when investigation indicates damage or knockdown as a result of a motor vehicle collision.

***NOTE*** *Remove entire callbox or unattached components, as appropriate, to the stationhouse for safekeeping. In all instances the Telecommunications Unit must be notified as follows:*
*a. Monday to Friday, 0800 to 1600 hours, Telecommunications Unit.*
*b. All other times contact the Information Technology Bureau's Wheel.*

**COMMAND CLERK**

5. Forward duplicate copy of **COMPLAINT REPORT** or **MV104AN** by Department mail, or FAX to:
   Telecommunications Unit, Room 910B
   One Police Plaza

***ADDITIONAL DATA*** *Members of the Telecommunications Unit are available weekdays from 0800 to 1600 hours to provide further information if needed.*

***RELATED PROCEDURE*** *Monthly Signal Box Survey (A.G. 322-25)*

***FORMS AND REPORTS*** ***COMPLAINT REPORT (PD313-152)***
***Police Accident Report (MV104AN)***

# PATROL GUIDE

| Section: Department Property | | Procedure No: 219-24 | |
|---|---|---|---|
| **UTILIZATION OF AND ACCOUNTABILITY FOR CELLULAR TELEPHONES ASSIGNED TO PATROL SUPERVISOR** | | | |
| DATE ISSUED: 08/01/13 | DATE EFFECTIVE: 08/01/13 | REVISION NUMBER: | PAGE: 1 of 1 |

**PURPOSE** To ensure the proper utilization of and accountability for cellular telephones assigned to patrol supervisor.

**PROCEDURE** When a patrol supervisor is prepared to utilize an assigned Department cellular telephone:

**PATROL SUPERVISOR**

1. Ensure the power is "ON."
2. Press "RECALL" (RCL) button followed by one of the selected numerals:
   - "1" = telephone switchboard
   - "2" = desk
   - "3" = patrol borough
   - "4" = Operations Unit
   - "5" = 911

***NOTE*** *These cellular telephones are capable of receiving all incoming calls, e.g. desk officer, duty captain, etc., However, each is programmed to allow only the outgoing calls listed in above step.*

3. Press "SEND" (SND) button.
4. Complete conversation.
5. Press "END" button.

**DESK OFFICER**

6. Ensure cellular telephone assigned to command for use by the patrol supervisor are operational each tour:
   a. Batteries charged
   b. Car adapters available.
7. Make a command log entry listing the name, telephone number, and assignment of the patrol supervisor in possession of the cellular telephone.
   a. Telephones not assigned will be accounted for each tour with a command log entry.

**COMMANDING OFFICER**

8. Ensure that cellular telephones in need of repair are promptly returned to the Telecommunications Unit located at One Police Plaza, room 910B.

**PURPOSE** To account for the safekeeping and usage of E-Z Pass tags assigned to each command.

**PROCEDURE** When E-Z Pass tags are assigned to a command:

**COMMANDING OFFICER**

1. Have lieutenant platoon commander/patrol supervisor account for all E-Z Pass tags that are assigned to the command.
2. Have integrity control officer monitor the usage of the E-Z Pass tags assigned to the command.

**LIEUTENANT PLATOON COMMANDER/ PATROL SUPERVISOR**

3. Inspect all Department vehicles assigned to command for E-Z Pass tags each Sunday, after the second platoon has been posted.
   a. Ensure that E-Z Pass tags are affixed to center top windshield of each vehicle and that the serial numbers are recorded on the **VEHICLE INSPECTION REPORT (PD571-153)**.

**INTEGRITY CONTROL OFFICER**

4. Maintain an inventory of all E-Z Pass tags assigned to command.
5. Review the command's E-Z Pass usage to ensure that the E-Z Pass tags are used within Department guidelines.
6. Incorporate E-Z Pass tags and their usage into the command's monthly self-inspection program.

***NOTE*** *Commands are not authorized to transfer E-Z Pass tags from one vehicle to another. All E-Z Pass tag reassignments must be approved by the Commanding Officer, Fleet Services Division.*

WHEN AN E-Z PASS TAG IS DEFECTIVE

**RANKING OFFICER**

7. Prepare a report on **Typed Letterhead** addressed to the Commanding Officer, Fleet Services Division with the date, time and locations where the E-Z Pass tag failed.
8. Notify Fleet Services Division of the defective tag and deliver E-Z Pass tag with a report on **Typed Letterhead** to Fleet Services Division.

***NOTE*** *E-Z Pass tags may fail for various reasons (defective battery, excessive speed, etc.). Therefore it is necessary to attempt to cross another E-Z Pass toll plaza to ensure that the tag is in fact defective.*

WHEN AN E-Z PASS TAG IS LOST/STOLEN OR RECOVERED

**UNIFORMED MEMBER OF THE SERVICE**

9. Notify the desk officer precinct/PSA/transit district of occurrence.

**DESK OFFICER/ RANKING OFFICER**

10. Have **COMPLAINT REPORT (PD313-152)** prepared, if necessary.
11. Notify Internal Affairs Bureau and enter log number under "Details" section of the **COMPLAINT REPORT**.
12. Notify Stolen Property Inquiry Section (S.P.I.S.) of E-Z Pass serial number.

**COMMANDING OFFICER**

13. Investigate circumstances of loss, theft, or recovery of E-Z Pass tag.
14 Have a report prepared on **Typed Letterhead** with a copy of the **COMPLAINT REPORT**, forwarded through channels to the Commanding Officer, Fleet Services Division.
    a. Forward copy of report to command/unit where Department vehicle is assigned, if other than command of occurrence.

***ADDITIONAL DATA***

*E-Z Pass tags will be permanently affixed to the top center of the vehicle's interior windshield utilizing double sided tape provided by Fleet Services Division. The exception to this provision will be vehicles that routinely leave the city on official business (example: Category I vehicles), which will have the E-Z Pass tag secured to the windshield with velcro strips provided by Fleet Services Division. The velcro strips will allow the operator of the vehicle to remove the E-Z Pass tag when utilizing facilities not authorized for E-Z Pass use by this Department.*

*<u>E-Z PASS USAGE IS AUTHORIZED FOR THE BELOW LISTED TOLL CROSSINGS/BARRIER TOLLS ONLY:</u>*

*Bronx-Whitestone Bridge*
*Bayonne Bridge*
*Henry Hudson Bridge*
*Queens Midtown Tunnel*
*Throgs Neck Bridge*
*Cross Bay Veterans Memorial Bridge*
*Hugh L. Carey (Brooklyn Battery) Tunnel*
*Robert F. Kennedy (Triborough) Bridge*
*Marine Parkway-Gil Hodges Memorial Bridge*
*George Washington Bridge*
*Goethals Bridge*
*Holland Tunnel*
*Lincoln Tunnel*
*Outerbridge Crossing*
*Verrazano-Narrows Bridge*

*<u>E-Z PASS USAGE IS NOT AUTHORIZED FOR THE BELOW LISTED TOLL CROSSINGS/BARRIER TOLLS:</u>*

*New Jersey Turnpike*
*Garden State Parkway*
*Governor Mario M. Cuomo(Tappan Zee) Bridge*
*New York State Thruway*
*New England Thruway*

*The above unauthorized toll crossings/barrier tolls list, is not all-inclusive, as it merely contains the unauthorized crossings most likely to be used by members of the service.*

***RELATED PROCEDURES***

*Inspection Of Department Vehicles Each Tour By Operator (P.G. 219-01)*
*Weekly Inspection Of Department Vehicles (P.G. 219-02)*
*Loss Or Theft Of Department Property (P.G. 219-20)*

| | |
|---|---|
| ***FORMS AND REPORTS*** | ***VEHICLE INSPECTION REPORT (PD571-153)***<br>***COMPLAINT REPORT (PD313-152)***<br>***Typed Letterhead*** |

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| Section: Department Property | | Procedure No: 219-26 | |
|---|---|---|---|
| **ACQUISITION AND USE OF DEPARTMENT ISSUED NEW YORK CITY TRANSIT POLICE PASS METROCARDS** | | | |
| DATE ISSUED: 06/01/20 | DATE EFFECTIVE: 06/01/20 | REVISION NUMBER: | PAGE: 1 of 3 |

**PURPOSE** To provide for the issuance, control, and strict accountability of Department issued New York City Transit (NYCT) Police Pass MetroCards to all uniformed members of service.

**PROCEDURE** When a uniformed member of the service is issued a NYCT Police Pass MetroCard by the Human Resources Division:

**HUMAN RESOURCES DIVISION**

1. Provide a NYCT Police Pass MetroCard to ALL uniformed members of the service.

***NOTE*** *The Human Resources Division will be responsible for the assignment and issuance of ALL NYCT Police Pass MetroCards, including replacement cards for damaged, defective, lost, stolen MetroCards. This card is assigned to the individual uniformed member of service, not the command. Each member will be assigned a specific card which contains its own unique serial number. This card can only be used by the member to whom it has been issued. This will allow for monitoring of the program to ensure control and accountability of all MetroCards.*

*NYCT Police Pass MetroCards are never to be assigned or reassigned by commands. NYCT Police Pass MetroCards are generally valid for a period of two years. Upon expiration of MetroCard, each member MUST return their expired card in order to be issued a new card. This renewal process will be coordinated by the Employee Resources Section.*

2. Maintain an account of NYCT Police Pass MetroCards to ensure the integrity of the program.

**COMMANDING OFFICER**

3. Ensure that all uniformed members assigned to command are in possession of a NYCT Police Pass MetroCard.
4. Ensure that MetroCard serial number is entered on each member's **FORCE RECORD (PD406-143)**.
5. Have the integrity control officer monitor the MetroCard program to ensure that all uniformed members are following procedures regarding the proper safeguarding and usage of their MetroCard.
6. Ensure that an investigation is conducted and proper procedures adhered to in instances where MetroCards become damaged, defective or are lost or stolen.

**INTEGRITY CONTROL OFFICER**

7. Enter the MetroCard serial number on each member's **FORCE RECORD** in order to maintain an accurate account of MetroCards assigned to members in the command.
8. Have MetroCards inspected at roll calls and during semi-annual uniform inspection.

**INTEGRITY CONTROL OFFICER (continued)**

9. Conduct an investigation and prepare a report on **Typed Letterhead** for commanding officer's signature requesting a replacement card, when a MetroCard is damaged or becomes defective.
   a. Have report and damaged/defective MetroCard hand delivered to the Employee Resources Section.

***NOTE***

*When a uniformed member is going on a long term leave of absence, such as military or child care leave, ensure that member surrenders his/her MetroCard immediately prior to such leave and have MetroCard hand delivered to the Employee Resources Section. Upon member's return from long term leave of absence, prepare a report on* ***Typed Letterhead*** *for the signature of the commanding officer requesting re-issuance of a MetroCard. Upon review of such request the Employee Resources Section will re-issue a MetroCard to requesting member.*

10. Comply with provisions of *P.G. 219-20, "Loss or Theft of Department Property,"* if a Department issued MetroCard is reported lost or stolen.
    a. Make telephone notification to Commanding Officer, Employee Resources Section and forward copy of all relevant paperwork regarding incident.
11. Arrange for pick-up of cards, when notified by the Employee Resources Section that replacement MetroCards are ready.
    a. Safeguard and issue cards to requesting members.
12. Collect all expired MetroCards from members of the command during the renewal period.
13. Ensure that all members of the command are issued the card that they have been assigned by serial number and obtain their signature on the MetroCard distribution list as receipt of their card.
14. Deliver completed MetroCard distribution list and expired MetroCards to the Employee Resources Section.
15. Retain copy of MetroCard distribution list in command.

**UNIFORMED MEMBER OF THE SERVICE**

16. Carry Department issued MetroCard at all times whenever a shield and **IDENTIFICATION CARD (PD416-091)** are required to be carried.
17. Safeguard MetroCard at all times.
18. Request replacement if MetroCard becomes defective.
19. Notify desk officer if a MetroCard is lost, stolen or damaged.
20. Surrender issued MetroCard upon separation from the Department, immediately prior to long term leave of absence or upon expiration of MetroCard.

**DESK OFFICER**

21. Notify commanding officer and operations coordinator of lost or stolen MetroCard.

**OPERATIONS COORDINATOR**

22. Comply with provisions of *P.G. 219-20, "Loss or Theft of Department Property"* and conduct investigation into loss or theft of Department issued MetroCard.
23. Have **COMPLAINT REPORT (PD313-152)** prepared.

**OPERATIONS COORDINATOR (continued)**

24. Notify Internal Affairs Bureau Command Center by telephone, and enter Internal Affairs Bureau Log number under "Details" of **COMPLAINT REPORT**.
25. Notify Stolen Property Inquiry Section.
26. Notify Transit Bureau Wheel, Transit Special Investigations Unit and the Employee Resources Section.
27. Include MetroCard serial number on all Department forms prepared.
28. Prepare report on **Typed Letterhead**, including the results of the investigation as well as any proposed disciplinary action, if applicable.
    a. Forward one copy to the Commanding Officer, Employee Resources Section and one copy to the Commanding Officer, Transit Special Investigations Unit.

**COMMANDING OFFICER**

29. Review results of investigation.

***ADDITIONAL DATA***

*Upon separation of service (retirement, resignation, dismissal, etc.) all uniformed members MUST surrender their MetroCard to their command, who will be responsible for ensuring the return of the card to the Employee Resources Section. All MetroCards must be hand delivered to the Employee Resources Section. A notation should be made on* ***PROPERTY RECEIPT – DISCONTINUANCE OF SERVICE (PD520-013)*** *regarding same.*

*NYCT Police Pass MetroCards have no electronic restrictions for their use. They may be used repeatedly and indefinitely throughout their period of validity. However, uniformed members should be aware that each use of the MetroCard is electronically recorded by NYC Transit. These records will be made available to this Department for review and analysis, should the condition warrant (e.g., loss, theft, investigation into card usage, etc.). Uniformed members of the service assigned MetroCards shall use their assigned card to gain access to subways and public buses at all times. MetroCards are Department property and are to be safeguarded at all times. POLICE PASS METROCARDS ARE FOR THE EXCLUSIVE USE OF THE UNIFORMED MEMBER OF THE SERVICE TO WHOM IT IS ISSUED. Uniformed members of the service who knowingly allow an unauthorized person to use their Police Pass MetroCard may be the subject of disciplinary action. Under no circumstances are Police Pass MetroCards to be given or loaned to any other person.*

***RELATED PROCEDURES***

*Discontinuance of Police Service – Retirement or Vested Interest (P.G. 205-42)*
*Discontinuance of Police Service – Resignation (P.G. 205-43)*
*Violations Subject to Command Discipline (P.G. 206-03)*
*Loss or Theft of Department Property (P.G. 219-20)*

***FORMS AND REPORTS***

***COMPLAINT REPORT (PD313-152)***
***FORCE RECORD (PD406-143)***
***PROPERTY RECEIPT – DISCONTINUANCE OF SERVICE (PD520-013)***
***Typed Letterhead***

| Section: Department Property | | Procedure No: 219-27 | |
|---|---|---|---|
| **ISSUANCE AND MAINTENANCE OF RADIATION DETECTION PAGERS ASSIGNED TO COMMANDS** | | | |
| DATE ISSUED: 09/14/20 | DATE EFFECTIVE: 09/14/20 | REVISION NUMBER: | PAGE: 1 of 3 |

**PURPOSE** To provide for the control, accountability and issuance of Department radiation detection pagers assigned to commands:

**PROCEDURE** When radiation detection pagers are assigned to commands:

**COUNTER - TERRORISM CENTRAL RESOURCE DIVISION**

1. Assign radiation detection pagers to command through the Citywide Counterterrorism Coordinator.
2. Maintain an account of all assigned radiation detection pagers to ensure integrity of the program.

**COMMANDING OFFICER**

3. Ensure desk officer accounts for radiation detection pagers assigned to command on each tour.
4. Designate a secure area under the control of the desk officer for storage of radiation detection pagers and batteries assigned to the command that are not being utilized.

***NOTE*** *Commands will maintain a supply of "AAA" batteries for the use of all radiation detection pagers in their command. "AAA" batteries may be obtained from the Quartermaster Section.*

5. Ensure availability, operability, and use of radiation detection pagers on all tours.
6. Ensure all supervisors/designated uniformed members of the service performing patrol duties in the command are adequately trained in the use and maintenance of radiation detection pagers and ensure that they are assigned and deployed on all tours.
   a. ONLY trained supervisors and trained uniformed members of the service will be assigned to use radiation detection pagers.

***NOTE*** *Commanding officers of specialized units utilizing radiation detection pagers will have discretion to designate selected members of their units to be trained in the use of radiation detection pagers, as necessary.*

**DESK OFFICER**

7. Inspect and account for all radiation detection pagers assigned to command at commencement of each scheduled tour.
   a. Make Command Log entry, including serial numbers and operating status.
8. Distribute radiation detection pagers assigned to command to trained patrol supervisor/designated uniformed members of the service on scheduled tour.
   a. Indicate rank, name, shield number and assignment of member(s) receiving radiation detection pager in Command Log.

***NOTE*** *Commands issued radiation detection pagers will deploy the device on each tour. Should a command have more than one radiation detection pager, it will be assigned to an additional trained supervisor/uniformed member of the service on patrol (e.g., traffic safety, bike patrol, etc.). Pager(s) not assigned during a tour, will be secured at the command.*

*Commands are not authorized to transfer radiation detection pagers to other commands.*

**PATROL SUPERVISOR/ UNIFORMED MEMBER OF THE SERVICE ASSIGNED**

9. Inspect radiation detection pager to ensure operability and battery power at the beginning of each scheduled tour.
   a. Request replacement batteries from desk officer, as needed
   b. Inform desk officer, or other designated supervisor, if the radiation detection pager is inoperable or requires repair/ replacement.
10. Enter serial number of radiation detection pager into digital **Activity Log**.
11. Carry and safeguard radiation detection pager until completion of tour and comply with provisions of *P.G. 212-102, "Personal Radiation Detection Pager Alarms,"* if pager activates an alarm.
12. Notify desk officer if radiation detection pager is lost, stolen or damaged.
13. Return radiation detection pager to desk officer upon completion of tour.

<u>IF RADIATION DETECTION PAGER(S) REQUIRES REPAIR OR REPLACEMENT:</u>

**DESK OFFICER**

14. Investigate circumstances.
15. Prepare report on **Typed Letterhead** with the following information and attach to each radiation detection pager:
    a. Detailed description of circumstances surrounding damage or malfunction
    b. Rank, name, tax registry number and command of member of the service radiation detection pager was assigned to at time of damage or malfunction
16. Contact the Patrol Borough Counterterrorism Coordinator for instructions regarding the return of radiation detection pager(s) and acquisition of replacement(s).
17. Assign a uniformed member of the service to deliver radiation detection pager(s) with report on **Typed Letterhead** or retrieve pager as per instructions received from Patrol Borough Counterterrorism Coordinator.
    a. Record details in Command Log including serial number of radiation detection pager(s) and rank, name, shield number of member assigned.

**ASSIGNED UNIFORMED MEMBER OF THE SERVICE**

18. Deliver/retrieve radiation detection pager(s).
19. Make the following digital **Activity Log** entries:
    a. Serial number(s) of radiation detection pager(s) involved.
    b. Rank, name and shield number of borough staff member receiving or distributing the radiation detection pager(s).

**PATROL BOROUGH COUNTER - TERRORISM COORDINATOR**

20. Accept the returned radiation detection pager(s).
21. Provide replacement radiation detection pager(s), if available.
22. Have returned radiation detection pager(s) delivered to Citywide Counterterrorism Office.

**CITYWIDE COUNTER - TERRORISM OFFICE**

23. Forward returned radiation detection pager(s) to the Counterterrorism Central Resource Division.

***ADDITIONAL DATA***

*Reports of lost or stolen radiation detection pager(s) will be processed in accordance with P.G. 219-20, "Loss or Theft of Department Property." In addition, the Citywide Counterterrorism Office will be immediately notified.*

***RELATED PROCEDURES***

*Discontinuance of Police Service – Resignation (P.G. 205-43)*
*Discontinuance of Police Service – Retirement or Vested Interest (P.G. 205-42)*
*Hazardous Materials (P.G. 212-37)*
*Loss or Theft of Department Property (P.G. 219-20)*
*Patrol Borough Counterterrorism Coordinator (P.G. 202-04b)*
*Personal Radiation Detection Pager Alarms (P.G. 212-102)*
*Required Firearms/Equipment (P.G. 204-09)*
*Processing Unknown Substances Suspected of Being Chemical, Biological, Radiological, Nuclear (CBRN)/Hazardous Materials Evidence (P.G. 212-101)*

***FORMS AND REPORTS***

***Typed Letterhead***

**PURPOSE** To address emergency power outages in a timely and efficient manner, and to ensure that non-essential equipment is removed from emergency electrical receptacles when a power outage occurs.

**SCOPE** The Building Maintenance Section is responsible to test, maintain and repair the Department's emergency generator systems (Housing and Transit Bureau facilities will be maintained by the Housing and Transit Authorities as per existing Memorandums of Understanding). Each command's generator system is tested and preventive maintenance performed by the Building Maintenance Section on a regular basis.

**PROCEDURE** When a Department facility loses electrical power (regardless of whether or not the emergency generator system is activated):

**DESK OFFICER /SUPERVISORY OFFICER**

1. Immediately notify the Building Maintenance Section, twenty-four hours a day, seven days a week.
   a. Record notification in Telephone Record.

***NOTE*** *If necessary, the Building Maintenance Section will dispatch generator mechanics and electricians to correct any conditions and monitor the system. Only qualified Building Maintenance Section personnel should attempt to start or repair the emergency generator system. Absent exigent circumstances, other members of the service or personnel from outside agencies are not permitted to start or repair the generator system without the approval of a Building Maintenance Section supervisor.*

IF THE EMERGENCY GENERATOR HAS BEEN ACTIVATED:

**DESK OFFICER /SUPERVISORY OFFICER**

2. Immediately survey the command to ensure that only essential emergency equipment and critical computer systems are operating on emergency power.
3. Have all non-essential equipment disconnected from emergency electrical receptacles.

***NOTE*** *All non-essential equipment (air conditioners, vending machines, refrigerators, microwaves, etc.) should be immediately disconnected from emergency electrical receptacles. Emergency electrical receptacles are commonly identified by a red cover plate over the receptacle or raised lettering on the outlet receptacle.*

***ADDITIONAL DATA*** *If a command has a single fuel tank for both the heating system and the emergency generator, it is the command's responsibility to maintain the proper fuel level. Commands that have a single fuel tank (see Appendix "A") will ensure that the fuel level remains above the fifty percent level. Commands with two fuel tanks (separate tanks for the heating system and emergency generator system) are responsible for maintaining the fuel level in the tank that supplies the heating system. The Building Maintenance Section will be responsible for maintaining the proper fuel level in the emergency generator fuel*

***ADDITIONAL DATA (continued)***

*tank. If command personnel require training on how to properly determine the fuel level of the command's fuel tank, a work order should be submitted to the Building Maintenance Section via the on-line work order system. Include in the request for training a contact person, contact phone number and times when the member of the service will be available.*

*Commanding officers are responsible to conduct a quarterly survey to ensure that all generator rooms, mechanical rooms, and electrical rooms are being utilized only for their intended purpose and not as locker rooms, storage rooms, etc. Items placed within these locations may create a fire hazard, which could endanger all members of the command.*

***RELATED PROCEDURE***

*Request for Repairs to Department Facilities and Equipment (A.G. 325-20)*

NYPD

## APPENDIX "A"

The following commands have a single fuel tank and will be required to maintain the tank level above the fifty percent mark.

| COMMAND | TANK SIZE |
|---|---|
| 1 | 2500 Gallons |
| 7 | 8000 Gallons |
| 10 | 2500 Gallons |
| 20 | 6000 Gallons |
| 23 | 10000 Gallons |
| 24 | 8000 Gallons |
| 26 | 10000 Gallons |
| 28 | 8000 Gallons |
| 30 | 8000 Gallons |
| 33 | 15000 Gallons |
| 34 | 10000 Gallons |
| 43 | 6000 Gallons |
| 47 | 8000 Gallons |
| 48 | 10000 Gallons |
| 52 | 8000 Gallons |
| 60 | 6000 Gallons |
| 61 | 6000 Gallons |
| 63 | 3000 Gallons |
| 67 | 5000 Gallons |
| 68 | 8000 Gallons |
| 69 | 4000 Gallons |
| 71 | 4000 Gallons |
| 72 | 8000 Gallons |
| 75 | 15000 Gallons |
| 76 | 6000 Gallons |
| 79 | 6000 Gallons |
| 81 | 6000 Gallons |
| 84 | 10000 Gallons |
| 90 | 15000 Gallons |
| 94 | 5000 Gallons |
| 102 | 5000 Gallons |
| 105 | 10000 Gallons |
| 109 | 10000 Gallons |
| 111 | 8000 Gallons |
| 112 | 10000 Gallons |
| 113 | 10000 Gallons |
| 114 | 6000 Gallons |
| 120 | 5000 Gallons |
| 122 | 6000 Gallons |
| BMS | 25000 Gallons |
| BSTF (70 PARK) | 10000 Gallons |

| Section: Department Property | | Procedure No: 219-29 | |
|---|---|---|---|
| **DISTRIBUTION AND USE OF NYPD RESTRICTED PARKING PERMITS** | | | |
| DATE ISSUED: 07/22/20 | DATE EFFECTIVE: 07/22/20 | REVISION NUMBER: | PAGE: 1 of 7 |

**PURPOSE** To provide for the distribution, accountability, use and restrictions of the NYPD Restricted Parking Permit.

**DEFINITION** NYPD Restricted Parking Permit (Misc. 23-N): Cardboard, approximately four inches by ten inches with serial number, command code, space for vehicle license plate number and an expiration date (permit color, design and expiration date will change each year).

**PROCEDURE** To account for the distribution and use of Department issued NYPD Restricted Parking Permits.

***NOTE*** *ELIGIBILITY REQUIREMENTS FOR RESTRICTED PARKING PERMITS*

*Only members of the service are eligible to receive a Restricted Parking Permit. Under NO circumstance will non-members of the service be assigned permits. Members of the service must meet the following requirements to be deemed ELIGIBLE for a Restricted Parking Permit:*

*a. Member must have a valid NYS driver's license and the vehicle that the Restricted Parking Permit is requested for must have a valid NYS registration (this requirement is not applicable for members of the service with certain exempted titles, i.e., certain employment titles allow members to reside outside of New York City and the resident counties). Any member of the service with an exempted title must comply with the regulations of this procedure based upon the licensing, registration and insurance regulations of the state in which they reside.*

*b. The vehicle that the Restricted Parking Permit is requested for must have a valid insurance policy.*

*c. The vehicle that the Restricted Parking Permit is requested for must be registered to the requesting member of the service, or to a person related by blood or marriage, or to the requesting member's registered NYS domestic partner. The residence of the vehicle's registered owner (member of the service, relative or NYS domestic partner) must be the same residence the requesting member of the service has on record with the Department.*

*When a member of the service applies for a Restricted Parking Permit, it is permissible to have a Post Office (P.O.) box listed on the member's driver's license, registration and/or insurance card. However, in all cases the member of the service's address of record with the DMV for his/her license and registration, as well as the address on record with the insurance company for the auto insurance all must match the primary residence the member of the service has on record with the Department.*

*If the mailing address on the registration of the vehicle is a P.O. box, the requesting member MUST attach to the application proof that the insurance policy of the vehicle is issued to the same address as the member's primary residence on record with the Department.*

***NOTE (continued)***

*When a member of the service changes his/her residence, he/she will comply with Patrol Guide 203-18, "Residence Requirements" and Patrol Guide 203-24, "Personal Information Via Department Intranet." Members must also notify the New York State Department of Motor Vehicles (DMV) when they change addresses.*

*MEMBER/VEHICLES INELIGIBLE FOR RESTRICTED PARKING PERMITS*

*Members of the service will be deemed INELIGIBLE to receive a Restricted Parking Permit as follows:*

*a. Member has been assigned a Category I Department vehicle (i.e., unmarked Department vehicle not required to be stored at a Department facility and permitted to be removed from the City on a regular basis. Category I Department vehicles are specifically designated by the Police Commissioner.).*

*All Department owned, leased or rented vehicles will be assigned an NYPD Official Vehicle Identification Plate (Misc. 740). An Official Vehicle Identification Plate (laminated permit) will only be issued to the private vehicle of a member of the service upon approval of a "Private Vehicle Authorization" as outlined in Administrative Guide 325-14, "Private Vehicles Authorization and Usage" as well as approval by the Chief of Department.*

*b. Members assigned to One Police Plaza who have access to One Police Plaza garage parking, including the annex garage (exemption: Category II vehicles).*

*c. Members assigned to the Military & Extended Leave Desk or on vacation/terminal leave pending retirement.*

*d. Members under suspension.*

*In compliance with Patrol Guide 206-08, "Suspension from Duty – Uniformed Member of the Service," and Patrol Guide 206-09, "Suspension from Duty – Civilian Member of the Service," the ranking officer in charge will direct member placed under suspension to surrender all Department property, including assigned Restricted Parking Permit.*

*e. Auxiliary Police members.*

*Vehicles with five or more red light camera violations or fifteen or more school speed camera violations incurred within a twelve month period will be ineligible for a Restricted Parking Permit.*

**COMMANDING OFFICER/ INTEGRITY CONTROL OFFICER**

1. Distribute **RESTRICTED PARKING PERMIT APPLICATIONS (PD671-041)** to all eligible members of command based on command code only.
   a. Applications are available via the Department Intranet.

***NOTE***

*Commanding officers of precincts will be responsible to distribute permits to their respective Detective Squads.*

***NOTE (continued)*** *Only members of the service who fill out an application will be considered for a Restricted Parking Permit.*

**MEMBER OF THE SERVICE**

2. Complete application and submit to the integrity control officer by the last business day of the following:
   a. **Manhattan – first week of September**
   b. **Bronx – second week of September**
   c. **Staten Island/Brooklyn – third week of September**
   d. **Queens – fourth week of September**.

***NOTE*** *All commands will comply with the above submission dates based on the patrol borough location of their reporting command and not the location of their overhead command (example: members assigned to the Emergency Service Squad 4, located at 3450 Kingsbridge Ave., Bronx, will follow the Bronx submission schedule).*

*Only members of the service on sick report, vacation or other authorized leave will be exempt from filing on these dates and will report to their integrity control officer upon return to duty.*

**INTEGRITY CONTROL OFFICER/ DESIGNEE**

3. Ensure each application is properly completed. Return any incomplete application to the member concerned for immediate correction.
4. Conduct the following integrity control background checks using the following sessions:
   a. zFINEST RALL (NYS Vehicle Registration by Plate Number)
   b. zFINEST DCID (NYS Driver Inquiry, suspensions, revocations and restrictions on license, scofflaw)
   c. MIS – CESN PEPR
   d. Domain Awareness System (DAS) Lite – Summons history (search by license plate number).

***NOTE*** *Integrity control officers must confer with the Personnel Bureau to ensure that the Department has the correct information on file for any member of the service who has recently changed any personal information.*

*All integrity control officers will ensure the address submitted by the applicant matches the address generated in the Restricted Parking Permit Application System.*

5. Attach the results of all checks to each application.
6. Conduct license plate search on the public New York City Department of Finance website to ascertain if the vehicle is in judgment for outstanding fines due to parking or photo enforcement violations.

***NOTE*** *A failure in any of the above categories (e.g., discrepancies in vehicle registration, insurance, suspended or revoked driver's license, unverified residence, scofflaw, vehicle in judgment due to outstanding parking/photo enforcement fines, five or more red light camera violations or fifteen or more school speed camera violations incurred within a twelve-month period, etc.) will disqualify the applicant from receiving a Restricted Parking Permit. If any discrepancy in the above information is revealed, the integrity*

***NOTE (continued)***

*control officer will obtain an Internal Affairs Bureau log number, conduct an investigation and take appropriate action."*

*If a search of the New York City Department of Finance records shows that the vehicle listed on the application has outstanding violations, but is not in judgment, the applicant may still receive a Restricted Parking Permit if otherwise qualified. However, the integrity control officer will advise the applicant to challenge the summons or plead guilty and pay the fine. In these cases, the integrity control officer will conduct a follow-up within 30 days of permit issuance to ensure the violation(s) has been challenged or satisfied.*

**INTEGRITY CONTROL OFFICER/ DESIGNEE (continued)**

7. File all denied applications at command level.
8. Forward approved applications to the commanding officer for final authorization and signature.

**COMMANDING OFFICER**

9. Ensure command fulfills all of the above requirements and that ONLY completed and approved applications are sent to the Chief of Department's Vehicle Identification Unit.

***NOTE***

*If any application is denied by the integrity control officer or the commanding officer, the applicant's expiring Restricted Parking Permit will be immediately confiscated and returned to the Chief of Department's Vehicle Identification Unit.*

**INTEGRITY CONTROL OFFICER/ DESIGNEE**

10. Enter the APPROVED applications into the Restricted Parking Permit Application System via the Intranet.
    a. The first step requires the setup of a Registered User Account (if assistance is needed accessing the website, contact the Chief of Department's Vehicle Identification Unit).
11. Print a hard copy of the application before entering "SUBMIT."
12. Ensure hard copies of completed and approved applications along with all supporting material are hand delivered to the Chief of Department's Vehicle Identification Unit at 300 Gold Street, Room 312, Brooklyn, by the last business day of the following:
    a. **Manhattan – second week of September**
    b. **Bronx – third week of September**
    c. **Staten Island/Brooklyn – fourth week of September**
    d. **Queens – first week of October**.

***NOTE***

*The Chief of Department's Vehicle Identification Unit is available to assist members of the service who appear in person from 0900 to 1700, Monday through Friday.*

*In order to ensure that requesting officers receive their Restricted Parking Permits prior to the expiration date, it is incumbent upon each individual command to adhere to the above dates.*

***NOTE (continued)***

*Integrity control officer/designee must ensure that in instances where the vehicle registration of a requesting member has a P.O. box address, that the member of the service submits proof that the insurance policy of the vehicle is issued to the same address as the member's primary residence on record with the Department. That proof must be forwarded with the application to the Chief of Department's Vehicle Identification Unit.*

**CHIEF OF DEPARTMENT, VEHICLE IDENTIFICATION UNIT**

13. Maintain copies of all completed applications in a secure location.
14. Notify command concerned (via Telephone Message) of the date and time to obtain new Restricted Parking Permits.

***NOTE***

*Commands receiving the above notification will make appropriate entries in the Telephone Record.*

**INTEGRITY CONTROL OFFICER/ DESIGNEE**

15. Upon receipt of the new Restricted Parking Permits, collect the expiring permits and forward them to the Chief of Department's Vehicle Identification Unit according to the following schedule:
    a. **Manhattan – during the first and second week of March**
    b. **Bronx – during the third and fourth week of March**
    c. **Staten Island/Brooklyn – during the first and second week of April**
    d. **Queens – during the third and fourth week of April**.

***NOTE***

*Account for all lost/missing permits in accordance with Patrol Guide 219-20, "Loss or Theft of Department Property."*

16. Ensure the vehicle license plate number listed on the submitted application is properly indicated on the newly issued Restricted Parking Permit with a permanent marker.

***NOTE***

*Commanding officers will be held strictly accountable for adherence to all deadlines for the submission and collection of Restricted Parking Permits assigned to members of their command.*

*Under NO circumstances will the Restricted Parking Permit be laminated.*

*When a member of the service is transferred, the integrity control officer of the member's new command is responsible for collecting the Restricted Parking Permit that was issued to the transferring member. When the transferred member arrives at the new command, he/she will apply for a new Restricted Parking Permit regardless of the date of transfer. During the application process, the member will continue to use his/her Restricted Parking Permit from his/her previous command. Upon approval of a new Restricted Parking Permit the member will submit his/her old permit to the integrity control officer of the new command, who will forward the returned permit to the Chief of Department's Vehicle Identification Unit.*

***ADDITIONAL DATA***

*On Election Days, uniformed members of the service assigned to election duty, are permitted to display their valid NYPD Restricted Parking Permits, in authorized vehicles, to park in close proximity to their assigned election posts.*

*Commands will continue to maintain a command Parking Permit Log with appropriate captions as outlined in Patrol Guide 202-15, "Command Integrity Control Officer."*

*Each member will be responsible to secure his/her permit while off duty and NOT display it for any reason other than to park in a designated self-enforcement zone while on duty.*

*Any permit without a license plate number displayed on its face will be deemed invalid.*

*Any violation of this procedure will result in the member's vehicle being summonsed and possibly towed. Furthermore, the offending member of the service may be subject to disciplinary action.*

*A permit is deemed invalid if the license plate number displayed on the face of the permit does not match the vehicle registration plate number.*

*If the vehicle which the Restricted Parking Permit was originally assigned to is subsequently changed, the member will notify his/her commanding officer within thirty days. Members will be allowed to use another vehicle not on file with the Chief of Department for a maximum of thirty days if the vehicle they use to commute is unavailable (e.g., mechanic, change in ownership, etc).*

*A member of the service can only use the Restricted Parking Permit for another vehicle (in above situation) if that substitute vehicle is owned by the requesting member of the service, a person related by blood or marriage, or the requesting member's registered NYS domestic partner. The residence of the substitute vehicles' registered owner (member of the service, relative or NYS domestic partner) must be the same residence the requesting member of the service has on file with the Department.*

*Members of the service are reminded that there is no valid verifiable defense for parking their vehicle (with or without a Restricted Parking Permit) under the following conditions:*

*a. Double Parking*
*b. Fire Hydrant or Fire Zone*
*c. Bus Stop or Bus Lane*
*d. Sidewalk*
*e. Crosswalks and Driveways*
*f. Obstruct Traffic*
*g. No Standing Zones (except "No Standing Except Truck Loading and Unloading")*
*h. Snow Emergency*
*i. No Parking – Taxi Stand*
*j. Bicycle Lane*
*k. Within No Permit Zone – as indicated on rear of vehicle identification plates.*

*Members of the service will be held strictly accountable for the permit issued to them.*

***ADDITIONAL DATA (continued)***

*Furthermore, the use of these permits is restricted to the member of service to which it is assigned and therefore non-transferable to anyone else.*

*The Restricted Parking Permit must be properly displayed within the vehicle (i.e., face up with entire serial number and license plate visible) otherwise the permit will be considered invalid. When displayed, no part or portion of the Restricted Parking Permit will be covered with any item or be obstructed in anyway.*

***A RESTRICTED PARKING PERMIT MAY NOT BE PHOTOCOPIED OR REPRODUCED IN ANY MANNER. ANY MEMBER IN VIOLATION WILL BE SUBJECT TO DISCIPLINARY ACTION.***

*The Restricted Parking Permit Application System will be purged during the first week of June each year. To request access to the Restricted Parking Permit Application System, use the request access link found on the Restricted Parking Permit Application System sign on page.*

***RELATED PROCEDURES***

*Command Integrity Control Officer (P.G. 202-15)*
*Residence Requirements (P.G. 203-18)*
*Personal Information Via Department Intranet (P.G. 203-24)*
*Private Vehicles Authorization and Usage (A.G. 325-14)*
*Vehicle Identification Plates for Private Vehicles Used on Official Business (A.G. 325-15)*

***FORMS AND REPORTS***

***RESTRICTED PARKING PERMIT APPLICATION (PD671-041)***

NYPD

| Section: Department Property | Procedure No: 219-30 |
|---|---|

# ISSUANCE AND MAINTENANCE OF RADIATION DETECTION PAGERS PERSONALLY ASSIGNED TO UNIFORMED MEMBERS OF THE SERVICE

| DATE ISSUED: | DATE EFFECTIVE: | REVISION NUMBER: | PAGE: |
|---|---|---|---|
| 07/01/20 | 07/01/20 | | 1 of 3 |

**PURPOSE** To provide for the control, accountability and issuance of Department radiation detection pagers assigned to selected individual uniformed members of the service:

**PROCEDURE** When radiation detection pagers are permanently assigned to selected individual uniformed members of the service:

**COUNTER - TERRORISM CENTRAL RESOURCE DIVISION**

1. Issue radiation detection pagers permanently to individual uniformed members of the service upon completion of the Counterterrorism Central Resource Division's "Radiation Detection Pager" training.
   a. Forward a copy of the **PROPERTY TRANSFER RECEIPT (PD521-145)** to the commanding officer and integrity control officer of the trained member.
2. Maintain an account of all radiation detection pagers to ensure integrity of the program.

***NOTE*** *The Counterterrorism Central Resource Division will be responsible for the assignment and issuance of radiation detection pagers to individual uniformed members of the service. Each uniformed member of the service will be assigned a specific radiation detection pager which contains its own unique serial number. This will also allow for monitoring of the program to ensure control and accountability of individually issued radiation detection pagers.*

**COMMANDING OFFICER**

3. Ensure integrity control officer monitors permanently assigned radiation detection pagers to individual uniformed members of the service.
4. Have radiation detection pager inspected during semi-annual uniform inspection, as per *A.G. 305-06, "Inspection of Uniforms."*

***NOTE*** *Commands will maintain a supply of "AAA" batteries for the use of all radiation detection pagers in their command. "AAA" batteries may be obtained from the Quartermaster Section.*

*Commanding officers of specialized units utilizing radiation detection pagers will have discretion to designate selected members of their units to be trained in the use of radiation detection pagers, as necessary.*

**INTEGRITY CONTROL OFFICER**

5. Ensure radiation detection pager serial number for each trained uniformed member of the service is listed on member's **FORCE RECORD (PD406-143)**.
6. Maintain a list of all uniformed members of the service who are personally assigned a radiation detection pager.

**DESK OFFICER**

7. Inspect and account for radiation detection pagers personally assigned to uniformed members of the service at the commencement of each scheduled tour.
   a. Make a Command Log entry, including serial numbers.

***NOTE*** *Commands are not authorized to transfer permanently assigned radiation detection pagers to other uniformed members of the service.*

**ASSIGNED UNIFORMED MEMBER OF THE SERVICE**

8. Safeguard radiation detection pager at all times.
9. Inspect radiation detection pager to ensure operability and battery power at the beginning of each scheduled tour.
   a. Request replacement batteries from desk officer, as needed
   b. Inform desk officer, or other designated supervisor, if the radiation detection pager is inoperable or requires repair/replacement.
10. Carry and safeguard radiation detection pager at all times when performing duty and comply with provisions of *P.G. 212-102, "Personal Radiation Detection Pager Alarms,"* if radiation detection pager activates an alarm.
11. Notify desk officer if radiation detection pager is lost, stolen or damaged.
12. Surrender issued radiation detection pager upon separation from the Department to desk officer for return to the Patrol Borough Counterterrorism Coordinator.

<u>IF RADIATION DETECTION PAGER(S) REQUIRES REPAIR, REPLACEMENT, OR RETURN:</u>

**DESK OFFICER**

13. Investigate circumstances.
14. Prepare report on **Typed Letterhead** with the following information and attach to each radiation detection pager:
    a. Detailed description of circumstances surrounding damage, malfunction or other reason for return
    b. Rank, name, tax registry number and command of member of service radiation detection pager was assigned to at time of damage, malfunction or surrender.
15. Contact the Patrol Borough Counterterrorism Coordinator for instructions regarding the return of radiation detection pager(s) and acquisition of replacement(s).
16. Assign a uniformed member of the service to deliver pager with report on **Typed Letterhead** or retrieve pager as per instructions received from Patrol Borough Counterterrorism Coordinator.
    a. Record details in the Command Log including serial number of radiation detection pager(s) and rank, name, shield number of member assigned.

**ASSIGNED UNIFORMED MEMBER OF THE SERVICE**

17. Deliver/retrieve radiation detection pager.
18. Make the following digital **Activity Log** entries:
    a. Serial number(s) of radiation detection pager(s) involved
    b. Rank, name and shield number of borough staff member receiving or distributing the radiation detection pager(s).

**PATROL BOROUGH COUNTER – TERRORISM COORDINATOR**

19. Accept the returned radiation detection pager(s).
20. Provide replacement radiation detection pager(s), if available.
21. Have returned radiation detection pager(s) delivered to Citywide Counterterrorism Office.

**CITYWIDE COUNTER - TERRORISM OFFICE**

22. Forward returned radiation detection pager(s) to the Counterterrorism Central Resource Division.

***ADDITIONAL DATA***

*Reports of lost or stolen radiation detection pager(s) will be processed in accordance with P.G. 219-20, "Loss or Theft of Department Property." In addition, the Citywide Counterterrorism Office will be immediately notified.*

***RELATED PROCEDURES***

*Discontinuance of Police Service – Resignation (P.G. 205-43)*
*Discontinuance of Police Service – Retirement or Vested Interest (P.G. 205-42)*
*Hazardous Materials (P.G. 212-37)*
*Loss or Theft of Department Property (P.G. 219-20)*
*Patrol Borough Counterterrorism Coordinator (P.G. 202-04b)*
*Personal Radiation Detection Pager Alarms (P.G. 212-102)*
*Required Firearms/Equipment (P.G 204-09)*
*Processing Unknown Substances Suspected of Being Chemical, Biological, Radiological, Nuclear (CBRN)/Hazardous Materials Evidence (P.G. 212-101)*
*Inspection of Uniforms (A.G. 305-06)*

***FORMS AND REPORTS***

***PROPERTY TRANSFER RECEIPT (PD521-145)***
***Typed Letterhead***

**PURPOSE** To provide for control, use, maintenance and accountability of License Plate Reader (LPR) devices installed in selected Department vehicles.

**DEFINITION** LICENSE PLATE READER DEVICE (LPR) – A specialized camera and computer that is capable of quickly capturing license plate numbers on passing vehicles and then converting them into text that is automatically compared against a "hot list" of license plates of interest (e.g., stolen, wanted, suspended registration or insurance coverage, etc.). An LPR device can identify a target plate within seconds. LPR devices may read each license plate passed and alert the LPR operator when there is a match to a list of specific or partial license plate numbers. The LPR device is not automatically connected to NYSPIN, is not programmed to scan the state of registration on a license plate and will activate upon a partial scan match. Therefore, it is absolutely essential that the LPR operator verify the current status of a vehicle through NYSPIN prior to initiating any law enforcement action (e.g., arrest, summons, etc.).

**PROCEDURE** When a License Plate Reader (LPR) device is installed in selected Department vehicles of assigned command:

**MEMBER UTILIZING LPR SYSTEM**

1. Inspect LPR device for operability and serviceability in assigned vehicle at beginning of tour and report results to desk officer.
2. Activate LPR device and record in digital **Activity Log** the last time LPR device received an updated "hot list."
   a. Do not utilize an LPR device if it has not been updated within the last twenty-four hours.
3. Notify patrol supervisor and desk officer if LPR system becomes inoperable during tour.

**DESK OFFICER**

4. Account for the condition of each LPR device in Department vehicles assigned to the command at beginning of each tour.
   a. Record results of member's inspection for each LPR device in the Command Log.
5. Enter on **ROLL CALL (PD406-144)** the assignment of each Department vehicle equipped with an LPR device assigned to the command (e.g., sector "A," traffic safety, etc.).
6. Contact the Information Technology Bureau (ITB) Service Desk for repairs and maintenance to an LPR device.
   a. Record notification in the Telephone Record.

UPON THE ACTIVATION OF AN ALARM FROM THE LPR SYSTEM

**MEMBER UTILIZING LPR SYSTEM**

7. Verify by checking NYSPIN through radio dispatcher or Department mobile device (e.g., smartphone, tablet, etc.) that alarm or vehicle status remains active.

***NOTE*** *The LPR device is not automatically connected to NYSPIN, is not programmed to scan the state of registration on a license plate and will activate upon a partial scan match. Therefore, it is absolutely essential that the LPR operator verify the current status of a vehicle through NYSPIN prior to initiating any law enforcement action, unless there are additional reasons for a lawful stop such as an observed Vehicle and Traffic Law infraction or if circumstances provide sufficient reasonable suspicion to justify a Terry Stop/level 3 encounter, as described in P.G. 212-11, "Investigative Encounters: Requests for Information, Common Law Right of Inquiry and Level 3 Stops."*

**MEMBER UTILIZING LPR SYSTEM (continued)**

8. Take necessary law enforcement action (e.g., arrest, summons, Rotation Tow, etc.).
   a. Members shall be guided by *P.G. 221-15, "Vehicle Pursuits,"* whenever they are in pursuit of a vehicle due to activation of an alarm from the LPR system.

***ADDITIONAL DATA***

*The LPR system allows for the proactive entry of license plate numbers and partial plate numbers, enabling the system to activate when the wanted vehicle's license plate has been read by the LPR device.*

*The Real Time Crime Center can be contacted to conduct a search of past records of license plate numbers searched.*

*LPR devices are intended to provide access to stolen and wanted files and may also be used in furtherance of a criminal investigation. The use of an LPR device for any other purpose is strictly prohibited.*

*The camera lens of an LPR device may be cleaned only with a glass cleaner that is applied with a soft cloth. Other types of maintenance or manipulation by members of the service are strictly prohibited. The LPR equipment must not be moved from its mounting location under any circumstances.*

*If the LPR is inoperable or requires maintenance, the ITB Service Desk will be contacted. A Department vehicle does not have to be placed out of service while waiting for the repair of the LPR device.*

***RELATED PROCEDURES***

*Vehicle Pursuits (P.G. 221-15)*
*Investigative Encounters: Requests for Information, Common Law Right of Inquiry and Level 3 Stops (P.G. 212-11)*

***FORMS AND REPORTS***

***ROLL CALL (PD406-144)***

**PURPOSE** To provide members of the service with the Department's rights and use policy pertaining to Department smartphones, tablets, and portable computers.

**DEFINITION** MOBILE DIGITAL DEVICE – Any smartphone, tablet, or portable computer issued by the Department.

**PROCEDURE** When a Department smartphone or portable computer has been assigned to a member of the service and/or when tablets have been installed in Department vehicles:

**MEMBER OF THE SERVICE**

1. Use Department issued digital mobile devices for official Department business exclusively.
   a. Do not use any other cellular telephone/smartphone/tablet (e.g., personal device, etc.) to conduct official Department business except under exigent circumstances.
   b. Do not use personal cellular telephone/smartphone/tablet while performing duties during tour (except on authorized meal or in the event of an emergency).
2. Carry Department smartphone while on duty, except those members of the service performing duties of a sensitive nature.
   a. Other members may be exempt from carrying a Department smartphone by their immediate supervisor, if, in the opinion of the supervisor, it would interfere with or be inappropriate for the member's specific duty or assignment.
   b. Members of the service may secure their Department smartphone at their command when they are off-duty.
   c. Members of the service may carry their Department smartphone while off-duty.
3. Maintain situational awareness at all times and limit the use of Department smartphone/tablet in the absence of another uniformed member of the service who can provide proper tactical cover.
4. Do not install any applications on Department mobile digital device or alter the configurations as issued, unless approved by the Deputy Commissioner, Information Technology.
5. Notify supervisor and ITB, Telecommunications Unit immediately, when made aware that Department mobile digital device may have been lost, stolen, or damaged.
   a. Reports of lost or stolen mobile digital device will be processed in accordance with *P.G. 219-20, "Loss or Theft of Department Property."*

**MEMBER OF THE SERVICE (continued)**

6. Complete **DEPARTMENT MOBILE DIGITAL DEVICE REPAIR/REPLACEMENT/RETURN REQUEST (PD589-163)** to have mobile digital device repaired or replaced and be guided by the direction of the ITB, Telecommunications Unit.

**COMMANDING OFFICER/ DESIGNATED SUPERVISOR**

7. Prepare **DEPARTMENT MOBILE DIGITAL DEVICE REPAIR/REPLACEMENT/RETURN REQUEST (PD589-163)** and return the Department smartphone to the ITB, Telecommunications Unit whenever a member of the service of the command has a change in duty status (e.g., retired, suspended, modified [removal on case-by-case basis], etc.).
8. Report any incident regarding the unauthorized use of a Department smartphone/tablet to the integrity control officer.

**INTEGRITY CONTROL OFFICER**

9. Conduct an investigation upon notification of unauthorized use of a Department smartphone/tablet and take disciplinary action, if necessary.
10. Conduct audit of any member of the service's smartphone use, and of any Department tablet, as appropriate.

***ADDITIONAL DATA***

*OPERATIONAL CONSIDERATIONS*

*Members are permitted, but are not required, to use Department smartphones/tablets to photograph and/or video record encounters with the public. Members should be aware that the recording/photographing of these situations may help to provide context to the enforcement encounter. However, members shall not utilize Department smartphones/tablets to record/photograph situations in which the utilization of a Body-Worn camera would also be prohibited, as outlined in P.G. 212-123, "Use of Body-Worn Cameras." Department mobile digital devices shall also not be used to document demonstrations or political activity unless consistent with P.G. 212-71, "Guidelines for the Use of Video/Photographic Equipment by Operational Personnel at Demonstrations" and P.G. 212-72, "Guidelines for Uniformed Members of the Service Conducting Investigations Involving Political Activities."*

*The Crime Scene Unit and Evidence Collection Teams remain solely responsible for documenting crime scenes via photo and/or video, and Department mobile digital devices should not be used by any other command for these purposes.*

*Unless authorized by competent authority, do not list personal contacts, the personal phone numbers, true names of members of the service performing duties of a sensitive nature (e.g., undercovers, etc.), the true names of confidential informants, or any other information on a Department smartphone/tablet that, if disclosed, could pose a safety risk to a member of the service or a member of the public at large.*

***ADDITIONAL DATA (continued)***

*LEGAL CONSIDERATIONS*

*Members of the service are reminded that materials generated or stored on a Department mobile digital device may be subject to statutory sealing provisions or to court order limiting or prohibiting transmission.*

*Members of the service with knowledge of any information or images, including text messages, photos, videos, notes, calendar entries, or voicemail messages documented by a Department smartphone/tablet and relating to an arrest, prosecution or civil matter must notify the:*

*a. Assigned detective/investigator and assistant district attorney if there is any information on the smartphone/tablet concerning a police incident or crime investigation*

*b. Legal Bureau if there is information on the smartphone/tablet concerning a potential or actual civil litigation*

*c. Appropriate assistant corporation counsel if there is information on the smartphone/tablet concerning a family court prosecution.*

*The Department is required by law to disclose certain information and material related to criminal and civil proceedings pursuant to the New York Criminal Procedure Law, People v. Rosario, rules governing discovery in civil cases, the Freedom of Information Law (F.O.I.L.), subpoenas, and court orders. The Legal Bureau's Subpoena Litigation Unit will respond to subpoenas as per P.G. 211-17, "Processing Legal Bureau Requests for Department Records Including Requests Under the Freedom of Information Law."*

*The Internal Affairs Bureau's Civilian Complaint Review Board (CCRB) Liaison will process requests from CCRB for information contained on Department smartphones as per P.G. 211-14, "Investigations by Civilian Complaint Review Board." In situations where CCRB is requesting information contained on a Department smartphone from a member of the service related to a pending CCRB inquiry, the member will notify their integrity control officer who will contact the Legal Bureau for guidance.*

*Members are advised that they do not maintain any right to privacy in any feature of these devices, including any communications and other applications. Communications, photo and/or video may be accessed and retrieved by the Department at any time with or without the user's prior knowledge. Members of the service should understand that any email, text, voicemail, photo, video, GPS or other information generated by any other application on these devices, may be Rosario material and/or information that is discoverable in criminal prosecutions, civil lawsuits, Civilian Complaint Review Board and Internal Affairs Bureau investigations and proceedings, the Department's internal disciplinary processes and/or other legal administrative proceedings. These devices may be subject to collection and full inspection by the Department and/or outside entities, including but not limited to, district attorneys, criminal defense attorneys, the courts, the Corporation Counsel, plaintiffs' attorneys in civil lawsuits and/or any of the Department's present or future oversight bodies.*

***RELATED PROCEDURES***

*Performance on Duty – Prohibited Conduct (P.G. 203-06)*
*Department Email Policy (P.G. 203-27)*
*Guidelines for the Use of Video/Photographic Equipment by Operational Personnel at Demonstrations (P.G. 212-71)*

| | |
|---|---|
| ***RELATED PROCEDURES (continued)*** | *Guidelines for Uniformed Members of the Service Conducting Investigations Involving Political Activities (P.G. 212-72)*<br>*Loss or Theft of Department Property (P.G. 219-20)*<br>*Investigations by Civilian Complaint Review Board (P.G. 211-14)*<br>*Processing Legal Bureau Requests for Department Records Including Requests Under the Freedom of Information Law (P.G. 211-17)*<br>*Use of Body-Worn Cameras (P.G. 212-123)*<br>*Department Computer Use Policy and Monitoring Notice (A.G. 325-35)* |
| ***FORMS AND REPORTS*** | ***DEPARTMENT MOBILE DIGITAL DEVICE REPAIR/REPLACEMENT/RETURN REQUEST FORM (*(PD589-163)*)*** |

NYPD

**PURPOSE** To outline the CIMS Organizational Structure.

**SCOPE** The CIMS organizational structure begins with the establishment of a Command Element. The Command Element must create an incident management organization that will successfully resolve the incident. Because the CIMS organizational structure is modular, it may be expanded as necessary by the Command Element to manage any type of incident or planned event, irrespective of its nature, size, scope, duration, location or complexity. Consequently, the incident management organization may be very small, e.g., the Command Element and several Single Resources; or, it may be very large, e.g., the Command Element, three Command Staff positions and five General Staff Sections.

As the number and complexity of the tasks / functions that the Command Element must perform and / or manage increases, the Command Element will begin establishing an incident management organization. The Command Element may activate the appropriate Sections to manage the major CIMS functional areas, i.e., Operations, Planning, Logistics, Finance / Administration and optional Intelligence / Investigations, and designate Section chiefs. The Command Element may also activate the appropriate Command Staff positions.

Section chiefs may delegate management authority for their assigned functions / tasks, as required. The Operations Section chief may activate Sectors and / or Groups, and if necessary, Branches. The Intelligence / Investigations Section chief may activate Groups. The Logistics Section chief may activate Units, and if necessary, Branches. The Planning Section chief and Finance / Administration Section chief may activate Units.

**COMMAND ELEMENT** In determining how to structure the incident management organization, the Command Element should consider the following:

1. Observe recommended Span of Control guidelines.
2. When necessary, delegate authority and assign personnel to **perform** one or more incident related tactical and / or support tasks / functions.
3. When necessary, delegate authority and assign personnel to General Staff Sections and / or Command Staff positions to **manage** the performance of the tasks / functions that have been delegated and supervise the personnel to whom the tasks were assigned.
4. When determining whether to activate a General Staff Section or Command Staff position, activate and staff only the organizational elements that are necessary to manage the required functions / tasks;
   a. If one individual can simultaneously manage all major functions / tasks, no further organization is required.

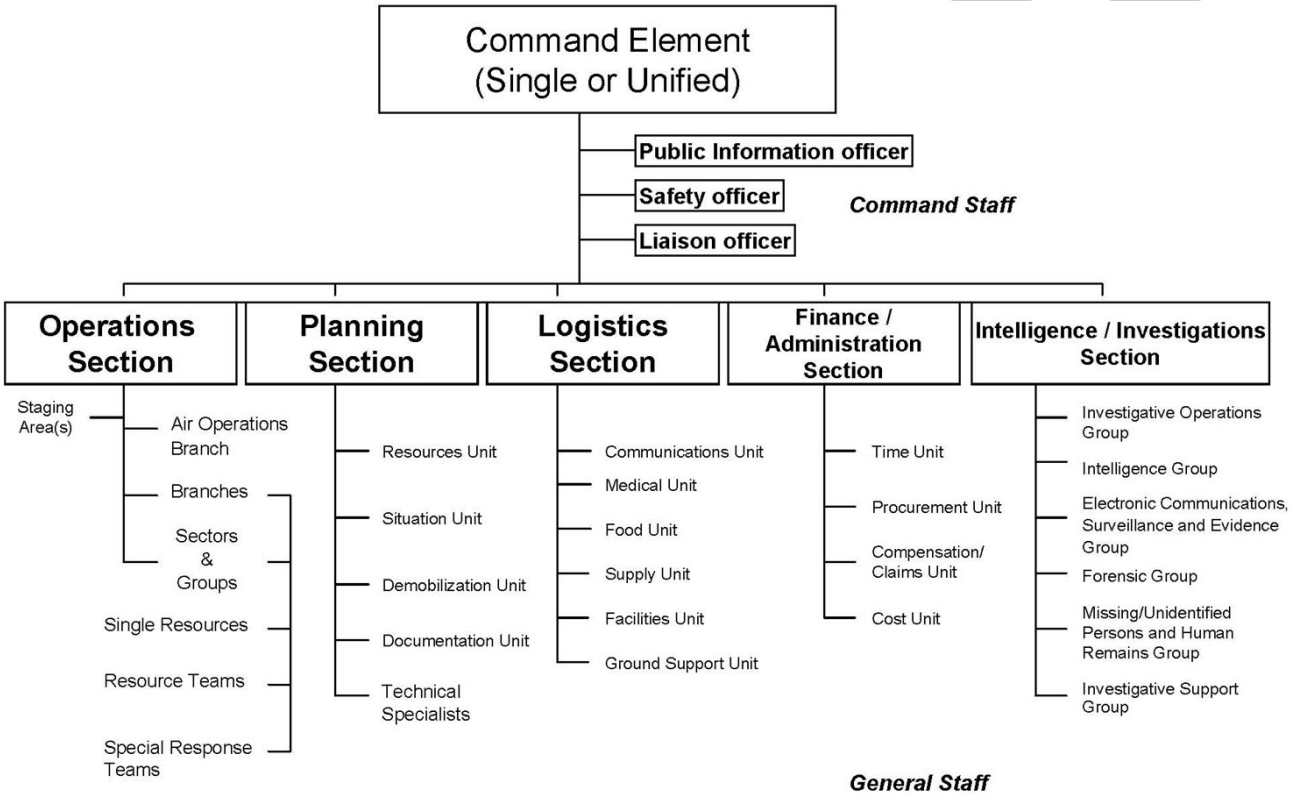
**COMMAND ELEMENT (continued)**

b. If one or more of the functions / tasks requires independent management, an individual or individuals are assigned to manage those functions / tasks.

5. Deactivate organizational elements no longer required.
6. The functions / tasks of any non-activated or deactivated subordinate organizational element will be managed by the overhead supervising organizational element.

***ADDITIONAL DATA***

*The following illustrates a CIMS Organization with ALL of the organizational elements activated.*



**PURPOSE** To list specific incident types and designate which Command Element structure will be utilized, i.e., Single Command or Unified Command; and, which Agency or Agencies have Command Element responsibilities for that particular incident type, i.e., are designated Primary Agency or Primary Agencies.

The CIMS "Primary Agency Matrix" lists specific incident types and designates:

a. Which Command Element structure will be utilized, i.e., Single Command – Command Element or Unified Command – Command Element; and,

b. Which Agency will be designated Primary Agency in a Single Command – Command Element; or, which Agencies will be designated Primary Agencies in a Unified Command – Command Element.

## CIMS PRIMARY AGENCY MATRIX – UNIFIED COMMAND MATRIX

| INCIDENT TYPE | PRIMARY AGENCIES | POTENTIAL PRIMARY AGENCIES / SUBJECT MATTER EXPERTS * * |
|---|---|---|
| Aviation Incident | FDNY, NYPD | PANYNJ, USCG, NTSB |
| Chemical, Biological, Radiological or Nuclear (CBRN) / HazMat Incident* | NYPD, FDNY | USCG, DEP, DOHMH |
| Citywide Public Health Emergency | DOHMH, NYPD, FDNY | HHC, GNYHA |
| Explosion | FDNY, NYPD | DDC, DOB, HPD |
| Natural Disaster / Weather Emergency | OEM, NYPD, FDNY, DOT, DSNY | DDC, DEP, DOB, DOHMH, Con Ed, Keyspan / LIPA |
| Rail Incident | FDNY, NYPD | MTA, PANYNJ, NJT, Amtrak |
| Utility Incident: Electric | NYPD, FDNY | Con Ed, Keyspan / LIPA |
| Utility Incident: Gas | NYPD, FDNY | Con Ed, Keyspan / LIPA |
| Utility Incident: Steam | NYPD, FDNY | Con Ed, Keyspan / LIPA |
| Utility Incident: Water / Wastewater | DEP, FDNY, NYPD | Con Ed, Keyspan / LIPA |
| Utility Incident:Telecommunications | DOITT, NYPD, FDNY | Verizon |

***CBRN / HazMat Incident**

*NYPD will be the Primary Agency (Incident Commander) at CBRN / HazMat incidents. If NYPD determines there is no actual or suspected criminal activity or terrorism, a Unified Command will be implemented.*

*The Operations Section will be a Unified Operations Section based on agency Core Competencies in all circumstances, with NYPD responsible for overall site management, and assessment and investigations for criminal activity or terrorism, and with FDNY responsible for Life Safety Operations (search for and rescue injured; and provide pre-hospital emergency medical care and transport; and address immediate life safety hazards to the public) and mass decontamination. For chemical incidents, DEP will make a final assessment of the hazard, adjust or set "hot", "warm" and "cold" zones, and direct all mitigation efforts. For biological or radiological incidents, DOHMH will make a final assessment of the hazard, adjust or set "hot", "warm" and "cold" zones, and direct all mitigation efforts.*

## CBRN / HAZ-MAT INCIDENT – ACTUAL OR SUSPECTED CRIME / TERRORISM

| | **Actual or Suspected Crime or Terrorism**<br>NYPD to Determine | **No Actual or Suspected Crime or Terrorism**<br>NYPD to Determine |
|---|---|---|
| CBRN / HazMat Incident | NYPD Single Command<br><br>Unified Operations Section | Unified Command<br><br>Unified Operations Section |

***Designation of Potential Primary Agencies / Subject Matter Experts in the Unified Command Matrix does not exclude other agencies from being designated Primary Agencies depending upon the jurisdictional issues of a specific incident.*

*When the CIMS "Primary Agency Matrix" specifies a Unified Command - Command Element,* ***each of the Primary Agencies in the Unified Command – Command Element will designate an "Agency Incident Commander."***

*If there is a CBRN / HazMat incident, until the NYPD determines that there is no actual or suspected criminal activity or terrorism, the NYPD will be the one Primary Agency in a Single Command – Command Element and designate* ***one single Incident Commander****. If the NYPD determines that there is no actual or suspected criminal activity or terrorism then the NYPD will be one of the* ***Primary Agencies in a Unified Command – Command Element and will designate an "Agency Incident Commander."*** *When determining if there is actual or suspected criminal activity or terrorism, comply with the appropriate Department procedures.*

## CIMS PRIMARY AGENCY MATRIX - SINGLE COMMAND MATRIX

| SINGLE COMMAND MATRIX | |
|---|---|
| **INCIDENT TYPE** | **PRIMARY AGENCY** |
| Auto Extrication | NYPD/FDNY (First to arrive) |
| Boat in Distress | NYPD/FDNY (First to arrive) |
| Citywide Cyber Incident | NYPD and/or DOITT |
| Civil Disturbance | NYPD |
| Confined Space Rescue | FDNY |
| Correctional Facility Disturbance | DOC |
| Downed Tree | DPR / FDNY |
| Elevator Incident or Emergency | FDNY |
| Emotionally Disturbed Person | NYPD |
| Entrapment / Impalement | FDNY |
| Explosive Device, Bomb Threat | NYPD |
| Fire | FDNY |
| Hostage Incident | NYPD |
| Sniper Incident | NYPD |
| Special Event | NYPD |
| Structural Collapse | FDNY |
| Suspicious Package | NYPD |
| Water / Ice Rescue | NYPD |

*When the CIMS "Primary Agency Matrix" specifies a Single Command - Command Element,* ***the one Primary Agency in the Single Command – Command Element will designate one single Incident Commander****.*

**PURPOSE** To define and describe Agency Core Competencies at an incident.

**DEFINITIONS** CIMS AGENCY "CORE COMPETENCIES" AND UNIFIED OPERATIONS SECTION -

Core Competencies are functional areas of expertise that are implemented at incidents, and relate specifically to tactical operations that are managed by the Operations Section; or if not activated, the Command Element.

Core Competencies have been identified for agencies with incident management responsibilities identified in the Primary Agency Matrix. **Although multiple agencies may be capable of performing similar tactical operations, CIMS assigns the Core Competency to only one specific agency.**

Agencies have the authority to direct tactical operations related to their Core Competencies at incidents. **If more than one agency is capable of performing the same tactical operations at an incident, the agency with the Core Competency will give tactical direction, by the ranking officer, to other agencies performing operations within that Core Competency.**

In a Unified Command-Command Element, Agency Incident Commanders from the Primary Agencies with tactical operations responsibility and a relevant "Core Competency" will each designate an Agency Operations Section chief to direct tactical operations in a Unified Operations Section. However, if Agency Incident Commanders agree, they may select one single Operations Section chief to direct tactical operations.

If there is a Single Command – Command Element at a CBRN / HazMat incident, the NYPD Incident Commander; and FDNY Supporting Agency / Agency Representative; and DEP Supporting Agency / Agency Representative; and DOHMH Supporting Agency / Agency Representative will **each** designate an Agency Operations Section chief to direct tactical operations in a Unified Operations Section. However, if the NYPD Incident Commander; and FDNY Supporting Agency / Agency Representative; and DEP Supporting Agency / Agency Representative; and DOHMH Supporting Agency / Agency Representative agree, they may select one single Operations Section chief to direct tactical operations.

## CIMS – CORE COMPETENCIES

| AGENCY | CORE COMPETENCIES |
|---|---|
| FDNY | • Fire Suppression<br>• Pre-hospital Emergency Medical Care<br>• Search and Rescue<br>• Structural Evacuation<br>• CBRN / Haz-Mat Life Safety (search for & rescue injured; and provide pre-hospital emergency medical care & transport; and address immediate life safety hazards to the public) and Mass Decontamination<br>• Arson Investigation (Cause and Origin) |
| NYPD | • Law Enforcement and Investigation<br>• Intelligence Collection and Analysis<br>• Crime Scene Processing / Evidence Preservation<br>• Site Management<br>1. Perimeter Control<br>2. Traffic Control<br>3. Crowd Control<br>4. Site Security and Force Protection<br>5. Evacuation (Area and / or Law Enforcement related)<br>• Water Search and Rescue<br>• CBRN / Haz-Mat Overall Site Management, Assessment and Investigation (Crime Scene / Terrorism)<br>• Collision Investigation<br>• VIP Protection<br>• Arson Investigation (Major Case) |
| DOB | • Damage Assessment (Structural)<br>• Building Re-occupancy (Structural) |
| DCAS | • Public Buildings: Infrastructure Assessment, Repair and Reconstruction |
| DDC | • Technical Debris Management Operations<br>• Technical Stabilization, Remediation and Demolition<br>• Public Buildings, Roadways, Water and Wastewater: Infrastructure Assessment, Repair and Reconstruction |
| DEP | • Environmental Monitoring, Sampling, Evaluation and Analysis<br>• Environmental Mitigation (Chemical)<br>• Environmental Law Enforcement<br>• Water and Wastewater: Infrastructure Assessment, Repair and Reconstruction |
| DOHMH | • Disease Surveillance and Epidemiology<br>• Public Health Orders, Clinical Guidance and Risk Communication<br>• Mass Prophylaxis / Vaccination |

| | |
|---|---|
| DOHMH | • Laboratory Testing (Biological and Radiological)<br>• Public Health Assessment<br>• Environmental Mitigation (Radiological and Biological)<br>• Animal-Related Surveillance and Vector Control<br>• Mental Health Needs Assessment and Service Coordination |
| HPD | • Stabilization, Remediation and Demolition<br>• Tenant Relocation |
| DOITT | • Telecommunications: Infrastructure Assessment, Repair and Reconstruction |
| OCME | • Fatality Management Operations |
| OEM | • Interagency Coordination and Support |
| DPR | • Forestry<br>• Parks: Infrastructure Assessment, Repair and Reconstruction |
| DSNY | • Debris Management Operations (Non-Toxic and Non-Hazardous Debris)<br>• Snow Removal Operations |
| DOT | • Bridges and Roadways: Infrastructure Assessment, Repair and Reconstruction<br>• Transportation Systems Management<br>• Staten Island Ferry Operations |
| Con Ed | • Electric, Gas and Steam: Infrastructure Assessment, Repair and Reconstruction |
| Keyspan / LIPA | • Electric and Gas: Infrastructure Assessment, Repair and Reconstruction |
| Verizon | • Telecommunications: Infrastructure Assessment, Repair and Reconstruction |

NYPD

# PATROL GUIDE

| Section: Citywide Incident Management | | Procedure No: 220-04 | |
|---|---|---|---|
| **CIMS: AGENCY ROLES** | | | |
| DATE ISSUED: 08/01/13 | DATE EFFECTIVE: 08/01/13 | REVISION NUMBER: | PAGE: 1 of 1 |

**PURPOSE** To define and describe CIMS Agency Roles.

**PROCEDURE** When responding to an incident, Agency Roles will be defined and described as follows:

**DEFINITIONS** PRIMARY AGENCY - Based upon the incident type, the CIMS Primary Agency Matrix will designate one agency as the Primary Agency to command a Single Command - Command Element. The Primary Agency will designate one single Incident Commander who will have overall command responsibility for managing the incident.

***NOTE*** *The Primary Agency, Incident Commander will designate the Operations Section chief. However, for a CBRN / HazMat incident there will be a Unified Operations Section. In a Unified Operations Section the NYPD Incident Commander, the FDNY Supporting Agency / Agency Representative, the DEP Supporting Agency / Agency Representative, and the DOHMH Supporting Agency / Agency Representative will each designate an Agency Operations Section chief. However, the NYPD Incident Commander and the FDNY and DEP and DOHMH Supporting Agency / Agency Representatives may all agree to designate only one Operations Section chief.*

*The Primary Agency, Incident Commander will coordinate with the Supporting Agencies to successfully achieve the Incident Objectives.*

PRIMARY AGENCIES - Based upon the incident type, the CIMS Primary Agency Matrix will designate more than one Primary Agency, called Primary Agencies, to command a Unified Command - Command Element. Each of the Primary Agencies will designate an Agency Incident Commander. All Agency Incident Commanders will **co-locate and remain** at one single Incident Command Post, will jointly set Incident Objectives and create one single Incident Action Plan.

***NOTE*** *The Agency Incident Commanders in the Unified Command – Command Element will each designate an Agency Operations Section chief. However, the Agency Incident Commanders may all agree to designate only one Operations Section chief. The Agency Incident Commanders in the Unified Command – Command Element will coordinate with the Primary Agencies and the Supporting Agencies to successfully achieve the Incident Objectives.*

POTENTIAL PRIMARY AGENCIES - Potential Primary Agencies are state and federal Agencies that have functional, political, or geographic / administrative jurisdictional authority / responsibility at an incident under specific conditions. For example, incidents occurring at airports, national parks, railway facilities, military facilities; or, terrorism related incidents; or, aviation incidents. If these state and federal Agencies have jurisdictional authority / responsibility, they will be included in the Unified Command – Command Element and the Unified Operations Section.

SUBJECT MATTER EXPERT AGENCIES – Agencies that do not have personnel deployed to tactical assignments involving an incident; but, do have specific scientific, engineering or other technical expertise involving incident related tactical operations.

**PURPOSE** To outline the duties of the Command Element in CIMS.

**PROCEDURE** Upon arriving at the scene of an incident, the responsibilities of the Command Element are:

**COMMAND ELEMENT**

1. Assume responsibility for overall incident management; and, assume command of all strategic, tactical, investigative and support incident management functions, operations, activities, etc.
   a. In a Single Command – Command Element, assume the position of Incident Commander.
   b. In a Unified Command – Command Element, assume the position of Agency Incident Commander for the NYPD; and, work collaboratively with the other Agency Incident Commander(s) designated by each of the Primary Agencies that have command responsibility in the Unified Command – Command Element.
   c. If there is a CBRN / HazMat incident, until the NYPD determines that there is no actual or suspected criminal activity or terrorism, assume the position of Incident Commander in a Single Command – Command Element. If the NYPD determines that there is no actual or suspected criminal activity or terrorism then assume the position of Agency Incident Commander for the NYPD in a Unified Command – Command Element. When determining if there is actual or suspected criminal activity or terrorism, comply with the appropriate Department procedures.
2. Obtain complete briefing from previous Command Element when applicable; assess the situation; make a preliminary determination regarding the nature, scope, complexity, location, size, duration, boundaries, etc., of the incident; and notify:
   a. Desk Officer, Precinct of occurrence.
   b. Patrol Borough Office, Borough of occurrence.
   c. Operations Unit.
   d. Communications Section dispatcher and / or supervisor.
3. Ensure incident safety and that adequate force protection, security, health and safety measures are implemented.
   a. Intervene in and / or suspend any incident management operations, functions, activities, etc., to prevent, stop, and / or correct hazardous, unhealthy or unsafe activities, functions and conditions.
   b. Ensure all incident executives, managers, supervisors and personnel make safety the #1 priority.
4. Ensure accountability, safety, health, force protection and security measures are developed and implemented for personnel, vehicles, equipment, facilities, and other resources.

**COMMAND ELEMENT (continued)**

5. Establish incident management priorities including Life Safety Operations (**immediate** #1 priority); Site Management Operations; Investigative Operations and Recovery / Restoration Operations.

6. Ensure Life Safety Operations, Site Management Operations, Investigative Operations, Recovery / Restoration Operations and any other necessary operations, activities, functions, etc., are expeditiously and properly conducted in a coordinated manner; and, are implemented and conducted concurrently and / or consecutively in whatever sequence is deemed appropriate.
   a. Life Safety Operations are the immediate #1 priority. Absent extraordinary emergency circumstances, Life Safety Operations supersede all other incident management operations.
   b. Ensure the first properly trained and equipped emergency responder personnel assess / evaluate the incident and, if capable, initiate Life Safety and Site Management Operations.
   c. Consult with the Primary Agency(ies), Supporting Agency(ies) and Coordinating Agency regarding the implementation of Site Management Operations.
   d. If approved by the Command Element, Investigative Operations may be initiated concurrently with Life Safety Operations.
   e. In order to avoid interfering with Investigative Operations, particularly the processing of Crime Scenes and Investigative Scenes, Recovery / Restoration Operations usually will not be commenced until Investigative Operations have concluded. However, if approved by the Command Element, Recovery / Restoration Operations may be initiated concurrently with Investigative Operations and / or Life Safety Operations.
   f. Depending upon the circumstances, different incident management operations / activities may be initiated and conducted concurrently and / or consecutively in whatever sequence is deemed appropriate by the Command Element.

7. Utilize "Management by Objectives" principles, and determine Incident Objectives, Strategies and Tactical Direction.
   a. The Incident Objectives identify what must be accomplished in order to successfully resolve the incident.
      (1) All Incident Objectives must be:
         (a) Attainable considering the existing incident management related limitations and constraints.
         (b) Measurable in order to determine whether they are being effectively, efficiently and expeditiously achieved.
         (c) Adaptable / flexible to provide for alternative Strategies and Tactical operations.
      (2) The time required to successfully resolve the incident and the length of the Operational Period(s) should be considered when determining the Incident Objectives.

**COMMAND ELEMENT (continued)**

b. Strategy describes the general method or methods that should be used, either singly or in combination and either consecutively or simultaneously, to effectively, efficiently and expeditiously achieve the Incident Objectives. One or more appropriate Strategies should be identified for each Incident Objective; and if possible, there should be an alternative Strategy(ies) for each Incident Objective. Strategies should be feasible, practical, effective, efficient and ensure safety / security. When identifying Strategies, the time required to successfully resolve the incident and the length of the Operational Period(s) should be considered.

c. Tactical Direction is provided by the Command Element. However, the Operations Section chief, if that position has been activated, is responsible for formulating and executing the specific tactical operations / activities required to accomplish the Incident Objectives. Tactical Direction involves:

(1) Identifying the tactics / actions appropriate to the selected Strategy(ies) that must be performed in order to achieve the Incident Objectives.

(2) Identifying the required resources / support and determining availability.

(3) Ensuring there is sufficient logistics service and support.

(4) Deploying the required resources and maintaining appropriate reserves.

(5) Monitoring the performance of the organization and the resources in order to measure whether the Incident Objectives are being effectively, efficiently, and expeditiously achieved.

(6) Identifying and implementing necessary modifications.

(7) Considering the time required to successfully resolve the incident and the length of the Operational Period(s).

8. Determine the required number, *Kind* and *Type* of resources; and, request that those resources promptly respond to the appropriate location, i.e., Staging Area(s).

9. Ensure arriving resources, and resources that initially responded directly to the incident scene, properly "Check-In", and are appropriately organized, e.g., Single Resources, Resource Teams, Special Response Teams.

10. Ensure arriving resources, and resources that initially responded directly to the incident scene are assigned and deployed to appropriate incident related tactical, investigative, support, supervisory, etc., operations, functions and activities; and / or, are retained at the Staging Area(s) in an *"Available" status* awaiting assignment.

a. Ensure there are adequate reserves maintained.

11. Work collaboratively and coordinate with the Primary Agency(ies), Supporting Agency(ies), Coordinating Agency; and, other appropriate governmental agencies, non-governmental organizations, private entities /individuals.

**COMMAND ELEMENT (continued)**

a. The NYC Office of Emergency Management (OEM) is New York City's Coordinating Agency. OEM may respond to multi-agency incidents and participate in a Unified Command or Single Command incident management organization.

b. **Do <u>NOT</u> wait for a representative from OEM to arrive on the scene to begin inter-agency coordination. The Command Element must <u>immediately</u> begin coordinating the activities of all of the involved governmental agencies, non-governmental organizations, private entities / individuals, etc.**

12. Select an appropriate location and establish the Incident Command Post (ICP). If there is a Unified Command - Command Element, Agency Incident Commanders will jointly select an appropriate location to establish the Incident Command Post.

a. Initially, the Incident Command Post will be wherever the Command Element is located.

b. The Incident Command Post can be any type of facility that is available and appropriate, e.g., vehicle, trailer, tent, open area, room in a building. The Incident Command Post should be large enough to provide adequate work space for the assigned personnel. The Incident Command Post should contain situation information and resource status displays and other planning related information.

c. **There is only one single Incident Command Post for an incident** irrespective of whether there is a Single Command - Command Element or a Unified Command – Command Element. The Incident Command Post will be identified by the name of the incident.

d. Choose a location that is a reasonable and appropriate distance from the incident; and, will provide for safety, health, security and force protection; and, will provide easy and expeditious access and egress; and, is sufficiently large and will allow for expansion; and, will permit continuous operations; and, will provide adequate workspace and utility / communications service. Generally, the Incident Command Post will be located within the Site Access Control / Outer Perimeter.

e. Ensure adequate safety, health, security and force protection measures are implemented regarding the Incident Command Post.

f. Whenever possible, the Incident Command Post should not be relocated. However, it may be necessary to relocate the Incident Command Post if the incident evolves / progresses and circumstances or conditions change. For example, during the initial stages of an incident the situation may rapidly change and the Incident Command Post may have to be relocated one or more times; or, the Incident Command Post may have to be relocated if an Operations Section Post is activated; or, a change in incident size / location may require relocation of the Incident Command Post in order to improve command, operations, communications, etc.; or, relocation of the Incident Command Post may be required in order to resolve safety, health, security or force protection issues.

**COMMAND ELEMENT (continued)**

g. Notify the following of the location and telephone number(s) of the Incident Command Post:
   (1) Desk Officer, Precinct of occurrence.
   (2) Patrol Borough Office, Borough of occurrence.
   (3) Communications Section dispatcher and / or supervisor.
   (4) Operations Unit.
   (5) NYPD Emergency Operations Center, if activated.
   (6) Other appropriate NYPD units and / or personnel.
   (7) Other appropriate governmental agencies, non-governmental organizations and / or private entities / individuals.

h. Request Incident Command Post flag, banner, beacon, sign or other distinctive marker.

i. Request Incident Command Post vehicle(s), if required.

13. Manage the incident from the Incident Command Post (ICP).

a. The Incident Command Post is the location where the Command Element, i.e., Single Command, Incident Commander or Unified Command, Agency Incident Commanders, will remain and perform the command function. The Incident Command Post provides a central coordination point from which the Command Element, Command Staff, each appropriate Supporting Agency / Agency Representative, Coordinating Agency, General Staff planning functions and certain General Staff support functions will normally operate.

b. The Command Element, necessary members of the Command Staff, necessary members of the General Staff, each required Supporting Agency / Agency Representatives and Coordinating Agency, will report to the Incident Command Post as soon as possible; **remain together**; develop the Incident Objectives, Strategies, Tactical Direction, tactics, assignments, priorities, etc.; and, **formulate one single Incident Action Plan**.

c. Depending upon the nature, size, complexity, location, duration, etc., of the incident, some members of the General Staff and Command Staff may be situated / operating at other locations. However, they will attend planning meetings conducted at the Incident Command Post and will remain in close contact with the Command Element.

14. Establish an appropriate organizational structure and continuously monitor the operation and effectiveness of that organization. In determining how to structure the incident management organization, the Command Element should consider the following:

a. Comply with recommended Span of Control principles.

b. When necessary, delegate authority and assign personnel to **perform** one or more incident related tactical and / or support tasks / functions.

c. When necessary, delegate authority and assign personnel to the Command Staff positions and / or to General Staff Sections, to **manage** the performance of the tasks / functions that have been delegated and supervise the personnel to whom the tasks were assigned.

**COMMAND ELEMENT (continued)**

d. When determining whether to activate a General Staff Section or Command Staff position, activate and staff only the organizational elements that are necessary to manage the required functions / tasks;
   (1) If one individual can simultaneously manage all major functions/tasks, no further organization is required.
   (2) If one or more of the functions/tasks requires independent management, an individual or individuals are assigned to manage those functions/tasks.

e. Deactivate organizational elements no longer required.

f. The functions / tasks of any non-activated or deactivated subordinate organizational element will be managed by the overhead supervising organizational element.

15. Perform the duties and retain responsibility for the functions of any General Staff Sections and Command Staff positions that are not activated or are deactivated.

16. When appropriate, activate required Command Staff positions i.e., Public Information, Safety, Liaison, other required position(s); and designate qualified personnel as Command Staff "officers".

a. May assign one person to more than one Command Staff position. However, do not combine the functions of different Command Staff positions into a "hybrid" Command Staff position.

b. The number of Assistants assigned to a particular Command Staff position will be determined by the respective Command Staff officer after conferring with the Command Element, and will depend upon the nature, size, complexity, location, duration, etc., of the incident.

c. Based upon the nature, complexity, location, size, duration, etc., of the incident; and, the specific capabilities, limitations, needs, requirements, etc., of the Command Element, additional Command Staff positions other than the Public Information, Safety, and Liaison positions may be activated; and, qualified personnel may be designated as the additional Command Staff officers, e.g., Attorney-Legal officer, Epidemiologist-Medical officer, Structural Engineer-Engineering officer, Chemist-Science officer.

d. If there is a Unified Command – Command Element, all of the Agency Incident Commanders will jointly designate the one Public Information officer and the one Liaison officer. However, the Mayor's Press Office has the authority and may designate the one Public Information officer; and, the NYC Office of Emergency Management (OEM) has the authority and may designate the one Liaison officer.

e. When the NYPD is one of the Primary Agencies in a Unified Command – Command Element, if the Liaison officer position and / or the Public Information officer position is activated, absent unusual circumstances, the NYPD Agency Incident Commander should make every effort to have a member of the NYPD designated as the Liaison officer and have a member of the NYPD designated as the Public

**COMMAND ELEMENT (continued)**

Information officer; or if that is not possible, have a member of the NYPD designated as an Assistant to a non NYPD Liaison officer and have a member of the NYPD designated as an Assistant to a non NYPD Public Information officer.

f. If there is a Single Command – Command Element, the Incident Commander may designate the one Liaison officer; however, OEM has the authority and may designate the one Liaison officer.

g. If there is a Single Command – Command Element, the Incident Commander may designate the one Public Information officer; however, the Mayor's Press Office has the authority and may designate the one Public Information officer.

h. If there is a Unified Command – Command Element, each of the Agency Incident Commanders will designate an Agency Safety officer. However, if all of the Agency Incident Commanders agree, they may jointly designate one Safety officer.

i. If there is a Single Command – Command Element at a CBRN / HazMat incident, the NYPD Incident Commander; and FDNY Supporting Agency / Agency Representative; and DEP Supporting Agency / Agency Representative; and DOHMH Supporting Agency / Agency Representative will each designate an Agency Safety officer. However, if the NYPD Incident Commander; and FDNY Supporting Agency / Agency Representative; and DEP Supporting Agency / Agency Representative; and DOHMH Supporting Agency / Agency Representative all agree, they may jointly designate one Safety officer.

j. If there is a Single Command – Command Element, except for a CBRN / HazMat incident, the Incident Commander will designate the one Safety officer.

17. When appropriate, activate required General Staff Sections, i.e., Operations, Planning, Logistics, Finance / Administration, Intelligence / Investigations; and, assign qualified personnel as Section "chiefs".

a. May assign one person to be the chief of more than one General Staff Section. However, do not combine the functions of different General Staff Sections into a "hybrid" General Staff Section.

b. The number of personnel assigned to a particular General Staff Section will be determined by the respective General Staff Section chief after conferring with the Command Element, and will depend upon the nature, size, complexity, location, duration, etc., of the incident.

c. If there is a Single Command – Command Element, the Incident Commander will designate the one Planning Section chief; and, the one Logistics Section chief; and, the one Finance / Administrative Section chief; and, the one Intelligence / Investigations Section chief.

d. If there is a Single Command – Command Element, except for a CBRN / HazMat incident, the Incident Commander will designate the one Operations Section chief.

**COMMAND ELEMENT (continued)**

e. If there is a Unified Command – Command Element, all of the Agency Incident Commanders will jointly designate one Section chief for each activated General Staff Section with the exception of the Operations Section. When the NYPD is one of the Primary Agencies in a Unified Command – Command Element, absent unusual circumstances, the NYPD Agency Incident Commander should make every effort to have a member of the NYPD designated as the one Section chief for each activated General Staff Section; or if that is not possible, have a member of the NYPD designated as a Deputy to each non NYPD General Staff Section chief.

18. Activate a "Unified Operations Section" when there is a Single Command – Command Element at a CBRN / HazMat incident; *or*, anytime there is a Unified Command – Command Element.

a. If there is a Unified Command – Command Element, the Agency Incident Commanders from each of the Primary Agencies with tactical operations responsibility and a relevant "Core Competency" will each designate an Agency Operations Section chief to direct tactical operations in a Unified Operations Section. However, if all of the Agency Incident Commanders agree, they may jointly designate one Operations Section chief.

b. If there is a Single Command – Command Element at a CBRN / HazMat incident, the NYPD Agency Incident Commander; and FDNY Supporting Agency / Agency Representative; and DEP Supporting Agency / Agency Representative; and DOHMH Supporting Agency / Agency Representative will each designate an Agency Operations Section chief to direct tactical operations in a Unified Operations Section. However, if the NYPD Incident Commander; and FDNY Supporting Agency / Agency Representative; and DEP Supporting Agency / Agency Representative; and DOHMH Supporting Agency / Agency Representative all agree, they may jointly designate one Operations Section chief.

c. Core Competencies are functional areas of expertise that are implemented at incidents, and relate specifically to tactical operations that are managed / directed by the Operations Section, or the Command Element if the Operations Section has not been activated. Core Competencies have been identified for Agencies with incident management responsibilities identified in the Primary Agency Matrix. Although multiple Agencies may be capable of performing similar tactical operations, CIMS assigns the Core Competency to one single Agency.

d. Agencies have the authority to direct tactical operations related to their Core Competencies at incidents. If more than one agency is capable of performing the same tactical operations at an incident, the agency with the Core Competency will give tactical direction, by the ranking officer, to other agencies performing operations within that Core Competency.

**COMMAND ELEMENT (continued)**

19. Ensure tactical operations, functions, and activities are expeditiously implemented, properly managed and directed in the appropriate manner:
    a. If there is a Unified Operations Section, each Agency Operations Section chief will direct the tactical operations involving their Agencies' Core Competencies. Each Agencies' Core Competencies are listed in the CIMS Core Competency chart.
    b. If there is a Single Operations Section, the one Operations Section chief will direct all tactical operations.
20. Ensure tactical assignments are based upon the responding Agencies' functional capabilities, e.g., resources, expertise, training, experience skills; and, legal / jurisdictional authority, mission and responsibilities.
21. Coordinate and direct the activities of the Command Staff and General Staff.
22. When necessary, implement an appropriate organizational structure, i.e., incident management "Expansion Option," to manage an extremely complex, severe and extensive incident; or, more than one incident; or, one extremely large incident. Incident Management Expansion Options include:
    a. Activating an Incident Complex.
    b. Activating a second Operations Section.
    c. Activating a second Logistics Section.
    d. Conducting Operations Section / Branch level tactical planning
    e. Having the Planning Section conduct advance / long range planning and contingency planning.
    f. Dividing a single extremely large incident into two or more separate incidents; and, activating a separate Command Element and appropriate incident management organization to resolve each of the separate incidents.
23. When appropriate, coordinate incident management operations and activities with other associated incident management organizations, entities, systems, facilities, etc., i.e., Area Command, Multi-Agency Coordination (MAC) Group, Emergency Operations Center (EOC) and / or Joint Information Center (JIC).
24. Continually monitor/evaluate the incident management organizational structure; and, the performance of the Deputy(ies), General Staff Section "chiefs," Command Staff "officers," and as appropriate, other incident management personnel.
    a. Make appropriate modifications when necessary.
25. Ensure that Command Staff and General Staff understand:
    a. They may interact and communicate with any position within the incident management organization.
    b. Absent emergency circumstances, direction may only be given through the established Chain of Command.
    c. Absent extraordinary circumstances, resource orders / requests and resource *status* changes must be approved by the appropriate authority and communicated through the established Chain of Command.
26. Ensure that appropriate "procedural" and "technological" measures are implemented to ensure effective and efficient integrated inter-agency interoperable communications.

**COMMAND ELEMENT (continued)**

a. When appropriate, implement the use of Borough / Citywide "repeated" interoperable radio frequencies and / or tactical "point-to-point" interoperable radio frequencies.

b. When appropriate and necessary, utilize the NYC Agencies' Citywide "repeated" interoperable 800 MHz radio frequency.

c. Ensure that all incident personnel use clear text for inter-agency communications and communicate using CIMS nomenclature / terminology.

d. Ensure all incident personnel observe strict radio and telephone communications discipline and limit communications to essential information.

e. When necessary, ensure radio and mobile phone interconnect systems are used to enhance interoperable communications.

f. Ensure a Communications Plan is developed and implemented.

(1) The Communications Plan will ensure effective, efficient and expeditious inter-agency interoperable communications.

(2) The Communications Plan will be a component of the Incident Action Plan.

(3) Depending upon the circumstances, the Communications Plan may be written or verbal.

27. Manage Life Safety Operations.

a. The **immediate** # 1 priority.

b. Tactical activities taken to preserve and protect public safety including tactical activities:

(1) Required to stabilize the incident.

(2) Implemented in response to imminent hazards or threats to life.

c. Life Safety Operations do not include personnel safety measures.

d. Intervene in and / or suspend Life Safety Operations to prevent, stop and / or correct hazardous, unhealthy or unsafe activities, functions and conditions.

28. Manage Site Management Operations.

a. Consult with the Primary Agency(ies), Supporting Agency(ies) and Coordinating Agency regarding the implementation of Site Management Operations including the establishment of perimeters and the implementation of Emergency Credentialing operations.

29. Manage Investigative Operations.

a. When there is a considerable investigative or intelligence component to the management or resolution of an incident, the Command Element should establish an Intelligence / Investigations Section as part of the General Staff. In unusual situations, when the Intelligence / Investigations function is not a considerable component of the management or resolution of an incident, it may be organized as a Branch or Group within the Operations Section rather than as a separate General Staff Section. In extremely unusual situations when the Intelligence / Investigations function is minimal, it may be organized as a Command Staff position or Planning Section / Situation Unit function.

**COMMAND ELEMENT (continued)**

b. When appropriate, ensure investigative and intelligence considerations are included in the Incident Objectives, and Investigative Operations are incorporated into the Incident Action Plan.

c. When appropriate, ensure that the Primary Agency(ies), Supporting Agency(ies) and Coordinating Agency personnel avoid or minimize interference with Investigative Operations, particularly the processing of Crime Scenes and Investigative Scenes.

30. Manage Recovery / Restoration Operations.

a. Recovery / Restoration Operations include final mitigation of the incident and a return to non-emergency conditions.

b. The Coordinating Agency will facilitate, coordinate and support Recovery / Restoration Operations.

31. Designate a Deputy or Deputies when necessary.

a. The Deputy is the counterpart of the principal. Therefore, the Deputy should have the same qualifications, i.e., knowledge, skills, experience, as the principal; and must be capable of assuming the principal's position.

b. The role of the Deputy is flexible and the Deputy may:

(1) Collect incident related information, monitor performance, evaluate incident operations / resources and communicate with the principal, i.e., be the "eyes and ears" of the principal.

(2) Make important notifications, e.g., Bureau Chief, Patrol / Detective Borough Commander, Operations Unit, Emergency Operations Center if activated, Area Command if activated.

(3) Function as a relief.

(4) Be assigned specific tasks as requested by the principal.

c. The Deputy may be a member of a different Agency / Jurisdiction than the principal. For example, the Deputy may be a member of an Agency / Jurisdiction that:

(1) Currently has, or after a period of time, may have significant resources involved in the incident management effort; or,

(2) Currently is, or after a period of time, may be significantly affected by the incident.

d. Designating a Deputy who is a member of a different Agency / Jurisdiction may significantly increase inter-agency coordination and cooperation.

32. Ensure responding Agencies do not allocate, deploy or assign unnecessary or inappropriate resources to the incident; and, ensure required resources respond to the incident scene in a controlled fashion and are deployed in an organized / coordinated manner.

33. Ensure planning meetings are scheduled as needed and are properly managed.

34. Formulate, approve and authorize the implementation of one single Incident Action Plan. The Incident Action Plan may be verbal or written.

**COMMAND ELEMENT (continued)**

a. Closely monitor and evaluate the implementation of the Incident Action Plan.
b. Modify the Incident Action Plan when necessary.

35. Approve requests / orders for additional resources.
36. Approve requests / orders for the release and demobilization of resources from the incident.
37. Authorize release of information to the news media and / or public.
    a. Determine what recommended health, safety and security related protective measures must be communicated to the public, e.g., evacuate, shelter in place, change clothes, wash.
    b. When appropriate, disseminate Emergency Public Information to the media and the public.
    c. If the incident is large, complex, exceedingly newsworthy, involves several Supporting Agencies, etc., release information to the media and the public by conducting a joint-Agency press conference(s).
    d. When necessary, utilize a Joint Information System and establish and maintain a Joint Information Center that will be staffed by public affairs personnel from all of the Primary Agencies and Supporting Agencies.
        (1) In extremely unusual circumstances, multiple Joint Information Centers may be established.
        (2) When appropriate, collaborate with the Office of the Deputy Commissioner, Public Information, the Mayor's Press Office and OEM, to activate a Joint Information System and establish a Joint Information Center(s).
38. Ensure all appropriate records, forms, logs, reports, etc., regarding incident related operations, functions, conditions, occurrences and activities are properly prepared, filed, maintained, secured, stored, etc.
39. Continually monitor performance, analyze data / information, evaluate operations and resources, assess the current situation and evaluate the implementation of the Incident Action Plan.
    a. Make required modifications to the current Incident Action Plan, including Incident Objectives, Strategies, Tactical Direction, tactics, assignments, priorities, resources, incident management operations, communications, etc.
    b. Modifications may be implemented during the current Operational Period or prior to the start of the subsequent Operational Period as appropriate.
40. Ensure that the required number and type of Incident Facilities are established at appropriate locations. Locations will be chosen that:
    a. Are a reasonable and appropriate distance from the incident;
    b. Provide for adequate safety, health, security and force protection;
    c. Provide easy and expeditious access and egress;
    d. Are sufficiently large enough and will allow for expansion;
    e. Will permit continuous operations;
    f. Provide adequate work space and utility / communications services.

**COMMAND ELEMENT (continued)**

41. Ensure that when "*Transfer of Command*" occurs, it is performed in an appropriate organized manner.
    a. There should be a face to face *Transfer of Command*, if possible.
    b. The incoming Command Element must obtain a comprehensive briefing from the outgoing Command Element that includes all essential information necessary to ensure effective and efficient management of the incident.
    c. Information included in the *Transfer of Command* briefing should be recorded and / or displayed, if possible.
    d. Identify a specific time for *Transfer of Command* to occur. When possible, for an on-going incident, *Transfer of Command* should occur at the start of a new Operational Period.
    e. Notifications must be made to the Primary Agency(ies); Supporting Agency / Agency Representatives; Coordinating Agency; Command Staff; General Staff; all incident management supervisory personnel; Communications Section dispatcher and / or supervisor; and other appropriate personnel.
42. Ensure compliance with *"Span of Control," "Chain of Command"* and *"Unity of Command"* incident management principles.
    a. *Span of Control*: The number of personnel that can be effectively managed by one supervisor; or, the number of subordinate organizational elements that can be effectively managed by one overhead supervising organizational element.
        (1) The recommended *Span of Control* should be from 1:3 to 1:7; or, for law enforcement operations from 1:8 to 1:10.
    b. *Unity of Command*: Every subordinate has only one designated supervisor, and the subordinate reports to that supervisor.
    c. *Chain of Command*: A series of management positions in order of authority; and, a designated line of authority within the personnel ranks and organizational levels of the incident management organization where subordinate personnel ranks / organizational levels report to and receive direction from the overhead supervising personnel ranks / organizational levels.
43. When appropriate, order the demobilization of some or all of the incident resources, operations, organizational elements, facilities, sites and other appropriate incident related functions / activities.
44. When demobilization occurs, comply with appropriate demobilization procedures and, if applicable, the Demobilization Plan.
45. Ensure all required incident related "After – Action" briefings, reports, meetings, critiques and other activities are expeditiously and properly performed.

***ADDITIONAL DATA***

*The Command Element may be structured in one of two ways:*

*1. Single Command:*

*a. When the CIMS "Primary Agency Matrix" specifies a Single Command - Command Element,* ***the one Primary Agency in the Single Command – Command Element will designate one single Incident Commander****.*

*(1) A Primary Agency is defined as the Agency authorized by CIMS to have overall responsibility for an incident, including overall management of strategic and tactical operations.*

*b. The designated Incident Commander has overall incident management responsibility; develops the Incident Objectives; formulates and implements one single Incident Action Plan; manages all operational and support activities; and, approves all requests pertaining to the ordering and release of incident resources. The Incident Commander is responsible for working collaboratively with the Supporting Agency(ies) and Coordinating Agency.*

*2. Unified Command:*

*a. When the CIMS "Primary Agency Matrix" specifies a Unified Command - Command Element,* ***each of the Primary Agencies in the Unified Command – Command Element will designate an "Agency Incident Commander."***

*(1) Incidents managed by a Unified Command – Command Element will have more than one Primary Agency called Primary Agencies.*

*b. The Agency Incident Commanders will co-locate and* ***remain*** *at one single Incident Command Post and jointly establish a common set of Incident Objectives, Strategies, Tactical Direction and priorities. They will manage one integrated organizational structure, a joint planning process and a joint resource management process. The Agency Incident Commanders will formulate and implement one single Incident Action Plan that includes an inter-agency integrated Communications Plan. They will jointly execute integrated tactical operations, implement interoperable communications technological and procedural measures when required and maximize the use of assigned resources. The Agency Incident Commanders are responsible for working collaboratively with the Primary Agencies, Coordinating Agency and Supporting Agency(ies).*

*c. When a Unified Command - Command Element is established, all Agency Incident Commanders are at an equal level of authority in the Command Element regardless of their designated Agency rank, i.e., Fire Captain, Police Sergeant, EMS Lieutenant, etc.*

**PURPOSE** To outline the duties of the Public Information officer in CIMS.

**PROCEDURE** Upon arriving at the scene of an incident, the responsibilities of the Public Information Officer are:

**PUBLIC INFORMATION OFFICER**

1. Assume the position of Public Information officer as part of the Incident Management Team; and, manage public information activities including:
   a. Responding to inquiries from media and / or the public.
   b. Developing incident related information for the media and the public.
   c. Absent unusual circumstances, acting as the spokesperson for all of the governmental agencies, non-governmental organizations and private entities / individuals involved in incident management activities.
2. Confer with the Command Element in order to:
   a. Obtain approval prior to releasing information to the media and / or the public.
   b. Determine any limitations and constraints on the information to be released to the media and /or the public.
3. After obtaining approval from the Command Element, when appropriate, perform the following functions:
   a. Expeditiously formulate and disseminate unified, consistent, concise, clear, comprehensive and accurate official information to the media and the public.
   b. Conduct media briefings.
   c. Distribute written media releases.
   d. Release Emergency Public Information, public warnings and recommended incident related public health, safety and security protective measures.
   e. Arrange for tours, interviews of incident personnel and incident related photo / video / television opportunities.
   f. Establish and supervise an appropriate number of media placement areas that have sufficient space and are appropriately located so as not to interfere with incident management operations, or compromise the confidentiality / security of incident management activities.
   g. If the incident is large, complex, exceedingly newsworthy, involves several Supporting Agencies, etc., release information to the media and the public by conducting one or more joint – Agency press conferences.
4. Provide advice and support to the Command Element regarding incident related media, public information and public affairs issues.
5. Develop and, after obtaining the required approval, implement media, public information and public affairs related plans, policies, procedures, strategies, programs, operations, activities, functions, etc.

**PUBLIC INFORMATION OFFICER (continued)**

6. In situations involving scientific, engineering or other technical incident management procedures, plans, strategies, operations, activities, functions, etc., the Public Information officer may request the Supporting Agency(ies) and / or Primary Agency(ies) with the appropriate technical Core Competency(ies) to provide advice / assistance, and / or to provide the necessary information directly to the media and the public.
7. Identify, control and correct incident related rumors, disinformation, misinformation, inaccurate / incorrect information, conflicting information, etc.
8. Develop and implement accountability, safety, health, force protection and security measures for personnel, vehicles, equipment, facilities and other resources.
9. Monitor the media and forward any useful media information to the Command Element, Planning Section, Intelligence / Investigations function, and any other appropriate General Staff Sections or Command Staff positions.
   a. Monitor information provided by governmental agencies, non-governmental organizations and private entities / individuals and forward any useful information to the Command Element, Planning Section, Intelligence / Investigations function, and any other appropriate General Staff Sections or Command Staff positions.
10. Coordinate with the Command Element, Operations Section, Intelligence / Investigations function and other appropriate General Staff Sections and Command Staff positions to ensure that all public information activities are reconciled with and do not compromise intelligence, investigative, support, operational, etc., confidentiality or security.
11. Interact with any position within the incident management organization; however absent emergency circumstances, direction may only be given through the established Chain of Command. Additionally, absent extraordinary circumstances, resource orders / requests and resource *status* changes must be approved by the appropriate authority and communicated through the established Chain of Command.
12. When necessary, utilize a Joint Information System; and if established, closely coordinate, communicate and maintain liaison with the Joint Information Center (JIC), or in extremely unusual circumstances, multiple Joint Information Centers.
   a. When appropriate, represent the NYPD in the Joint Information Center(s), if established.
   b. If there is a Single Command – Command Element, the Joint Information Center spokesperson will be designated by the Mayor's Press Office, and absent unusual circumstances, will be the Public Information officer.
   c. If there is a Unified Command – Command Element, the Joint Information Center spokesperson will be designated by the Mayor's Press Office.

INTERNET

**PUBLIC INFORMATION OFFICER (continued)**

13. Designate an Assistant or Assistants when necessary after conferring with the Command Element.
    a. The Assistant is a subordinate to the principal.
    b. The Assistant does not have to possess the same qualifications, i.e., knowledge, skills, or experience, as the principal. The Assistant may possess a level of technical and non-technical ability that is less than the principal; and, will be given less responsibility than the principal.
    c. The role of the Assistant is flexible, and the Assistant may:
        (1) Collect incident related information, monitor performance, evaluate incident operations / resources and communicate with the principal, i.e., be the "eyes and ears" of the principal.
        (2) Make notifications.
        (3) Function as a relief.
        (4) Be assigned specific tasks as requested by the principal.
    d. The Assistant may be member of a different Agency / Jurisdiction than the principal. For example, the Assistant may be a member of an Agency / Jurisdiction that:
        (1) Currently has, or after a period of time, may have significant resources involved in the incident management effort; or,
        (2) Currently is, or after a period of time, may be significantly affected by the incident.
14. Absent unusual circumstances, establish a work location at or in the vicinity of the Incident Command Post. When identifying an appropriate work location consider the following:
    a. Remain close to the Incident Command Post to ensure easy and expeditious access to incident information, and to be able to expeditiously confer with the Command Element.
    b. Generally, there must be an area for media interactions and formal briefings.
    c. There should be sufficient space for displays and handout material.
    d. Tours, interviews of incident personnel and incident related photo / video / television opportunities, etc., may have to be arranged.
15. Participate in the planning meetings when appropriate, and assist in the development of the Incident Action Plan.
    a. Prepare any required public information related plans.
    b. Ensure that the public information aspects of the Incident Action Plan are properly formulated and implemented.
    c. Provide advice to the Planning Section regarding the public information aspects of the Demobilization Plan.
16. Prepare and maintain appropriate records, forms, logs, reports, etc., regarding the Public Information officer functions / activities.
17. Continually monitor / evaluate the organization and effectiveness of the Public Information function; and, the performance of the Assistant(s).
    a. Make appropriate modifications when necessary.

**PUBLIC INFORMATION OFFICER (continued)**

18. Continually monitor performance, analyze data / information, evaluate incident operations and resources, assess the current situation and evaluate the implementation of the Incident Action Plan.
    a. Provide advice and make appropriate recommendations to the Command Element regarding incident related media and public information issues.
    b. Recommend to the Command Element, any necessary modifications to the current Incident Action Plan, including media / public information issues, Incident Objectives, Strategies, Tactical Direction, tactics, assignments, priorities, resources, incident management operations, communications, etc.
    c. Modifications may be implemented during the current Operational Period or prior to the start of the subsequent Operational Period as appropriate.

***ADDITIONAL DATA***

*If there is a Single Command – Command Element, the Incident Commander may designate the one Public Information officer; however, the Mayor's Press Office has the authority and may designate the one Public Information officer. When the NYPD is the Primary Agency in a Single Command - Command Element, if the Public Information officer position is activated, absent unusual circumstances, the Incident Commander should make every effort to have a member of the NYPD designated as the Public Information officer; or if that is not possible, designated as an Assistant to a non-NYPD Public Information officer. Whenever possible, the Incident Commander should designate a member of service assigned to the Office of the Deputy Commissioner, Public Information to perform the functions of the Public Information officer; or if that is not possible, to perform the functions of an Assistant to a non-NYPD Public Information officer.*

*If there is a Unified Command – Command Element, all of the Agency Incident Commanders will jointly designate the one Public Information officer; however, the Mayor's Press Office has the authority and may designate the one Public Information officer. When the NYPD is one of the one Primary Agencies in a Unified Command - Command Element, if the Public Information officer position is activated, absent unusual circumstances, the NYPD Agency Incident Commander should make every effort to have a member of the NYPD designated as the Public Information officer; or if that is not possible, designated as an Assistant to a non-NYPD Public Information officer. Whenever possible, the NYPD Agency Incident Commander should designate a member of service assigned to the Office of the Deputy Commissioner, Public Information to perform the functions of the Public Information officer; or if that is not possible, to perform the functions of an Assistant to a non-NYPD Public Information officer.*

*If a Joint Information Center (JIC) is established, or in extremely unusual circumstances multiple Joint Information Centers are established, absent extraordinary circumstances, a member of the NYPD will be assigned to the Joint Information Center(s) to represent the Department. Whenever possible, a member of service assigned to the Office of the Deputy Commissioner, Public Information will be assigned to the Joint Information Center(s).*

**PURPOSE** To outline the duties of the Safety Officer in CIMS.

**SAFETY OFFICER**

1. Confer with the Command Element and determine whether there will be one Safety officer; or, two or more Agency Safety officers.
   a. If there is a Unified Command – Command Element, **each** of the Agency Incident Commanders may designate an Agency Safety officer. However, if all of the Agency Incident Commanders agree, they may jointly designate one Safety officer.
   b. If there is a Single Command – Command Element at a CBRN / HazMat incident, the NYPD Incident Commander; and FDNY Supporting Agency / Agency Representative; and DEP Supporting Agency / Agency Representative; and DOHMH Supporting Agency / Agency Representative will each designate an Agency Safety officer. However, if the NYPD Incident Commander; and FDNY Supporting Agency / Agency Representative; and DEP Supporting Agency / Agency Representative; and DOHMH Supporting Agency / Agency Representative all agree, they may jointly designate one Safety officer.
   c. If there is a Single Command – Command Element, except for a CBRN / HazMat incident, the Incident Commander will designate the one Safety officer.
2. Assume the position of Safety officer or NYPD Agency Safety officer as part of the Incident Management Team.
   a. **The Safety officer function is required by law at a hazardous materials incident**.
   b. If there is a Unified Command – Command Element, assume the position of NYPD Agency Safety officer and work collaboratively with the Agency Safety officer designated by each of the Primary Agencies that have command responsibility in the Unified Command - Command Element.
   c. If there is a Single Command – Command Element at a CBRN / HazMat incident, assume the position of NYPD Agency Safety officer and work collaboratively with the FDNY Agency Safety officer, the DEP Agency Safety officer and the DOHMH Agency Safety officer.
   d. If there is a Single Command – Command Element, except for a CBRN / HazMat incident, and the NYPD is the Primary Agency, assume the position as the one Safety officer and work collaboratively with each Supporting Agency / Agency Representative.
3. Perform an Incident Safety Analysis.
4. Provide advice to the Command Element regarding the safety, health, force protection and security of incident personnel. Make recommendations regarding:
   a. Health hazards, e.g., decaying human remains, unsafe air quality, body fluids, vectors, infectious diseases, polluted water.

**SAFETY OFFICER (continued)**

b. Physical hazards, e.g., falling debris, explosives, weakened structures, exposed electrical wires, unstable rubble, slippery surfaces, confined spaces.

c. CBRN / HazMat hazards including environmental contamination, incident personnel exposure / contamination, exclusion zones, i.e., hot zone, warm zone, cold zone, contamination control / mitigation measures and decontamination measures.

d. The appropriate type of Personal Protective Equipment (PPE) that should be used by incident personnel, e.g., safety glasses / goggles, splash resistant garments, respiratory protection, chemical protective garments, foot protection, totally encapsulating garments, head impact protection, gloves.

e. Operational hazards involving incident personnel performing functions / activities without the appropriate equipment.

f. Operational hazards involving incident personnel performing functions / activities without the required level of training, experience, knowledge, skills, etc.

g. Operational hazards involving incident personnel not having appropriate procedures, supervision, plans, management, protocols, organization, programs, systems, etc.

h. Operational hazards involving unnecessary or inappropriate resources responding to the incident; and / or, required resources not responding to the incident in a controlled fashion or not being deployed in a coordinated / organized manner.

i. Operational hazards involving current, anticipated or potential environmental conditions, e.g., temperature, precipitation, wind, lightning, darkness.

j. Operational hazards involving incident personnel not having appropriate work schedules and sufficient rest, rehabilitation, relief, leave, etc.

k. Operational hazards involving incident personnel not having appropriate and sufficient food / water, clothing, lodging, supplies, sanitation, heating / cooling systems, lighting, transportation, etc.

l. Operational hazards involving force protection and security.

m. Operational hazards involving a dangerous individual(s), device(s) or situation(s), e.g., sniper, hostage taker, barricaded person, improvised explosive device, armed emotionally disturbed person, CBRN / Hazmat device, vehicle borne improvised explosive device.

n. Operational hazards involving the physical condition of incident personnel, e.g., fatigue, injury, stress, trauma, illness, exhaustion.

o. Operational hazards involving the mental, emotional, behavioral and / or psychological condition of incident personnel, e.g., depression, anxiety, stress, tension, alcohol / substance abuse, etc.

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**SAFETY OFFICER (continued)**

p. Operational hazards involving incident personnel not receiving appropriate vaccinations, prophylaxis, treatment, medications, counseling and any other appropriate health related support / assistance.

q. Operational hazards involving appropriate personnel not receiving required:
   (1) Pre-incident medical certifications / re-certifications; and / or,
   (2) Initial base-line medical examinations at the incident; and / or,
   (3) On-going medical monitoring / surveillance at the incident.

r. Other hazards involving health, safety, force protection, security, environmental conditions, incident operations, PPE, training, equipment, procedures / protocols, incident support, etc.

5. Develop and implement accountability, safety, health, force protection and security measures for personnel, vehicles, equipment, facilities and other resources.

6. Ensure there are sufficient health, safety, force protection and security related supplies, equipment and other appropriate resources available when needed.

7. Develop and recommend measures for promoting personnel safety.
   a. Continually remind all incident executives, managers, supervisors and personnel that they must make safety the # 1 priority.

8. Implement procedures and establish a program / system to ensure the safety of incident personnel; and, to ensure incident operations, functions and activities are safely performed.

9. Implement procedures and establish a program / system to ensure continual identification, monitoring, evaluation and consideration of current, imminent, anticipated and / or potential hazardous, unhealthy or unsafe activities, functions and conditions.

10. Implement a PPE program / system that :
   a. Ensures incident personnel:
      (1) Are equipped with appropriate PPE that has been properly fitted; and,
      (2) Are properly trained and certified / re-certified regarding the PPE that will be utilized; and,
      (3) Are properly trained and certified / re-certified regarding the operations, functions and activities that will be performed in the PPE; and,
      (4) If necessary, have received the required pre-incident medical certification / re-certification; and,
      (5) If necessary, have received the appropriate PPE related initial base-line medical examinations at the incident; and,
      (6) If necessary, receive the appropriate PPE related on-going medical monitoring / surveillance at the incident.
   b. Ensures a sufficient quantity of the appropriate type of PPE is available when needed.

**SAFETY OFFICER (continued)**

c. Ensures PPE is properly maintained, serviced, repaired, decontaminated if necessary, stored, distributed, replaced, etc.

11. Implement a CBRN / HazMat program / system that ensures:
    a. Appropriate CBRN / HazMat monitoring equipment / instruments are properly utilized, located / relocated, calibrated, maintained, serviced, repaired, safeguarded / secured, replaced when necessary, etc.
    b. Incident personnel CBRN / HazMat exposure / contamination is monitored, quantified and documented.
    c. Air, water and soil environmental CBRN / HazMat contamination is monitored and appropriate environmental sampling, analyses and evaluations are performed.
    d. Air plume dispersion modeling is performed when necessary.
    e. CBRN / HazMat exclusion zones, i.e., hot, warm, cold zones, are monitored and the boundaries are appropriately adjusted when necessary.
    f. Required contamination control and mitigation measures are implemented.
    g. Required decontamination measures are implemented.
12. When necessary, implement a program / system to ensure required initial base-line physical / psychological medical examinations and required on-going physical / psychological medical monitoring / surveillance is provided at the incident to the appropriate personnel.
13. Evaluate the need for post-incident medical, physical and psychological health monitoring / surveillance, assessment /evaluation, treatment / counseling and assistance / support.
14. Collect, document, format, analyze, evaluate, secure / safeguard and file / store incident related health and safety data / information regarding injuries, illnesses, fatalities, accidents, CBRN /HazMat exposures, etc.; and, properly disseminate the data / information in compliance with applicable confidentiality / security procedures, policies, rules, regulations, statutes, etc., to the appropriate governmental agencies, non-governmental organizations and private entities / individuals.
15. Monitor incident operations, functions and activities and ensure compliance with the Health and Safety Plan and other relevant health, safety, force protection and security related plans, procedures, statutes, rules, regulations, policies, protocols, etc.
16. Notify the Command Element and, if appropriate, take corrective action when safety, health, force protection or security measures are not being properly implemented.
17. Immediately prevent, stop and / or correct hazardous, unhealthy or unsafe activities, functions and conditions by utilizing the chain of command; and, subsequently notify the Command Element. **However, if the life or safety of incident personnel is in imminent danger, exercise <u>emergency authority to directly</u> prevent, stop and / or correct hazardous, unhealthy or unsafe activities, functions and conditions; and, subsequently notify the Command Element**.

UNITED

**SAFETY OFFICER (continued)**

a. Intervene in and / or suspend Life Safety Operations or any other incident management operations, functions, activities, etc., to prevent, stop and / or correct hazardous, unhealthy or unsafe activities, functions and conditions; and, subsequently notify the Command Element.

18. Ensure all incident personnel are aware of relevant safety information.
    a. Formulate and distribute safety messages.
    b. Conduct periodic safety briefings.
    c. Perform appropriate safety training including incident / hazard specific safety training.
19. Coordinate, cooperate and collaborate with all of the Agency Safety officer(s), the Operations Section chief(s), the Planning Section chief and other appropriate Command Staff officer(s) and General Staff Section chiefs.
20. Ensure coordination of safety related functions, operations and activities with each Primary Agency, each Supporting Agency, the Coordinating Agency, and all of the involved governmental agencies, non-governmental organizations and private entities / individuals.
21. Initiate a preliminary investigation regarding any incident related accidents; and / or, potential accidents that were barely avoided, i.e., "near misses"; and / or, any incident related injuries, illnesses, fatalities, CBRN / HazMat exposures, etc.
22. Participate in planning meetings when appropriate, and assist in the development of the Incident Action Plan.
    a. Ensure that the health, safety, force protection and security aspects of the Incident Action Plan are properly formulated and implemented.
    b. Review the Incident Action Plan for general and incident / hazard specific and Agency specific health, safety, force protection and security issues, problems, limitations, requirements, constraints, activities, policies, procedures, etc.
    c. Prepare Health and Safety Plan and Safety Message regarding physical hazards, health / safety issues, environmental conditions, necessary equipment, force protection and security measures, appropriate PPE, operational hazards, required support, etc.
    d. Review and approve the Medical Plan.
    e. Provide advice to the Planning Section regarding the health, safety, force protection and security aspects of the Demobilization Plan.
    f. Closely monitor and evaluate the implementation of the Incident Action Plan.
23. Continually monitor performance, analyze data / information, evaluate incident operations and resources, assess the current situation and evaluate the implementation of the Incident Action Plan.
    a. Provide advice and make appropriate recommendations to the Command Element regarding incident related hazardous, unhealthy and unsafe activities, functions and conditions.

**SAFETY OFFICER (continued)**

b. Recommend appropriate modifications to the Incident Action Plan including health, safety, force protection and security issues, Incident Objectives, Strategies, Tactical Direction, tactics, assignments, priorities, resources, incident management operations, communications, etc.

c. Identify health, safety, force protection and security related incident management "Best Practices" and "Lessons Learned"; and, incorporate them into the Health and Safety Plan.

d. Modifications may be implemented during the current Operational Period or prior to the start of the subsequent Operational Period as appropriate.

24. Interact with any position within the incident management organization; however absent emergency circumstances, direction may only be given through the established Chain of Command. Additionally, absent extraordinary circumstances, resource orders / requests and resource *status* changes must be approved by the appropriate authority and communicated through the established Chain of Command.

25. Prepare and maintain appropriate records, forms, logs, reports, etc., regarding the Safety officer functions / activities.

26. Designate an Assistant or Assistants when necessary after conferring with the Command Element.

a. Choose an Assistant(s) that has/have the required expertise, education, training, knowledge, experience, and skills to properly identify, assess, prevent, stop, correct, etc., incident /hazard specific, Agency specific and general hazardous, unhealthy or unsafe activities, functions and conditions.

b. The Assistant is a subordinate to the principal.

c. The Assistant does not have to possess the same qualifications, i.e., knowledge, skills, experience, as the principal. Therefore normally, the Assistant may possess a level of technical and non-technical ability that is less than the principal; and, will be given less responsibility than the principal. However, the Assistant Safety officer may possess greater qualifications and a greater level of technical and non-technical ability than the principal regarding some or all of the incident / hazard specific, Agency specific and general hazardous, unhealthy or unsafe activities, functions and conditions. Furthermore, the Assistant Safety officer may be given significant responsibility regarding some or all of the incident / hazard specific, Agency specific and general hazardous, unhealthy or unsafe activities, functions and conditions.

d. The role of the Assistant is flexible, and the Assistant may:

(1) Collect incident related information, monitor performance, evaluate incident operations / resources and communicate with the principal, i.e., be the "eyes and ears" of the principal.

(2) Make notifications.

(3) Function as a relief.

(4) Be assigned specific tasks as requested by the principal.

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**SAFETY OFFICER (continued)**

e. The Assistant may be member of a different Agency / Jurisdiction than the principal. For example, the Assistant may be a member of an Agency / Jurisdiction that:

(1) Currently has, or after a period of time, may have significant resources involved in the incident management effort; or,

(2) Currently is, or after a period of time, may be significantly affected by the incident.

27. Continually monitor / evaluate the organization and effectiveness of the Safety function; and the performance of the Assistant(s).

a. Make appropriate modifications when necessary.

28. Absent unusual circumstances, establish a work location at or in the vicinity of the Incident Command Post.

NYPD

**PURPOSE** To outline the duties of the Liaison officer in CIMS.

**PROCEDURE** Upon arriving at the scene of an incident, the responsibilities of the Liaison officer are:

**LIAISON OFFICER**

1. Assume the position of Liaison officer as part of the Incident Management Team; and, coordinate the activities, functions, operations and actions of involved governmental agencies, non-governmental organizations, and / or private entities / individuals.
2. Develop and implement accountability, safety, health, force protection and security measures for personnel, vehicles, equipment, facilities and other resources.
3. Closely coordinate, communicate and maintain liaison with appropriate involved governmental agencies, non-governmental organizations and / or private entities / individuals.
4. Closely coordinate, communicate and maintain liaison with each Supporting Agency / Agency Representative.
   a. A Supporting Agency is a governmental agency, non-governmental organization, and / or private entity whose resources are deployed to an incident to support incident operations, and assist the Primary Agency(ies) to successfully resolve the incident. A Supporting Agency is not a part of the Command Element. However, each Supporting Agency retains responsibility for its resources; and, retains its jurisdictional, legal, functional, administrative, etc., authority.
   b. Each Supporting Agency will designate a "Supporting Agency / Agency Representative." Each Supporting Agency / Representative has the authority to make decisions, give direction and commit resources on behalf of their Supporting Agency. A Supporting Agency / Agency Representative is not a member of the Command Element.
   c. There are two types of Supporting Agencies:
      (1) Assisting Agency: An Agency providing personnel, services or other resources to the Agency with direct responsibility for incident management; and / or, an Agency directly contributing tactical or service resources to another Agency, e.g., NYPD, FDNY, EMS, DSNY, DEP.
      (2) Cooperating Agency: An Agency that supports the incident management efforts by providing assistance other than tactical resources; and / or, an Agency that supplies assistance other than direct operational or support functions or resources to the incident management efforts, e.g., Salvation Army, American Red Cross.

**LIAISON OFFICER (continued)**

5. Act as the "point of contact" for each Supporting Agency / Agency Representative assigned to the incident.
   a. Generally, in either a Single Command – Command Element or Unified Command – Command Element, the Command Element and incident management organization will not directly interact with the Supporting Agencies' Supporting Agency / Agency Representative. Instead the Liaison officer will interact directly with and coordinate the activities, functions, operations and actions of each Supporting Agency / Agency Representative regarding the incident management efforts.
   b. In certain circumstances, the Command Element may choose to:
      (1) Interact <u>directly</u> with one or more Supporting Agencies' Supporting Agency / Agency Representative, e.g., an Assisting Agency(ies) with significant resources actively engaged in the efforts to successfully resolve the incident; and,
      (2) Have the Liaison officer interact directly with the remaining Supporting Agencies' Supporting Agency / Agency Representative, e.g., Assisting Agency(ies) with few resources assigned to the incident, and / or Cooperating Agency(ies).
6. Provide comprehensive briefing to each Supporting Agency / Agency Representative within a reasonable period of time after the Supporting Agency / Agency Representative initially arrives at the incident.
7. Ensure each Supporting Agency /Agency Representatives is informed regarding current incident situation related information.
   a. Provide briefings to each Supporting Agency / Agency Representative either periodically, or at specific times when needed, or when directed by the Command Element.
8. Maintain a list of Supporting Agencies and each associated Supporting Agency / Agency Representatives.
9. Coordinate with each Supporting Agency / Agency Representative to ensure each Supporting Agencies' resources properly *Check-In* at the appropriate location(s).
10. Confer with each Supporting Agency / Agency Representative to identify any special Supporting Agency specific needs, requirements, limitations, restrictions, etc.
11. Monitor incident operations to identify current, anticipated or potential inter-organizational or inter-agency issues, problems, conflicts, etc.
12. When necessary ensure one or more appropriate Supporting Agencies' Supporting Agency / Agency Representative attends planning meetings; and, when appropriate, assists in the development and implementation of the Incident Action Plan.
13. Provide each Supporting Agency / Agency Representative with Supporting Agency specific demobilization information, requirements, plans, procedures, etc.

**LIAISON OFFICER (continued)**

14. Debrief each Supporting Agency / Agency Representative prior to their departure from the incident.
15. Interact with any position within the incident management organization; however absent emergency circumstances, direction may only be given through the established Chain of Command. Additionally, absent extraordinary circumstances, resource orders / requests and resource *status* changes must be approved by the appropriate authority and communicated through the established Chain of Command.
16. Confer with each Supporting Agency / Agency Representative regarding:
    a. Current *status* of the particular Supporting Agencies' resources,
    b. Current number, *Kind*, *Type*, capabilities, limitations, etc., of the particular Supporting Agencies' resources,
    c. Availability of the particular Supporting Agencies' resources regarding current, anticipated or potential resource requests.
17. Continually monitor / evaluate the organization and effectiveness of the Liaison function; and, the performance of the Assistant(s).
    a. Make appropriate modifications when necessary.
18. Prepare and maintain appropriate records, forms, logs, reports, etc., regarding the Liaison officer functions / activities.
19. Participate in planning meetings when appropriate, and assist in the development of the Incident Action Plan.
    a. Ensure that the liaison, inter-agency and Supporting Agency aspects of the Incident Action Plan are properly formulated and implemented.
    b. Provide advice to the Planning Section regarding the liaison, inter-agency and Supporting Agency aspects of the Demobilization Plan.
20. Continually monitor performance, analyze data / information, evaluate incident operations and resources, assess the current situation and evaluate the implementation of the Incident Action Plan.
    a. Provide advice and make appropriate recommendations to the Command Element regarding incident related liaison, inter-agency and Supporting Agency issues.
    b. Recommend to the Command Element, any necessary modifications to the current Incident Action Plan, including Supporting Agency / Agency Representative issues, Incident Objectives, Strategies, Tactical Direction, tactics, assignments, priorities, resources, incident management operations, communications, etc.
    c. Modifications may be implemented during the current Operational Period or prior to the start of the subsequent Operational Period as appropriate.
21. Designate an Assistant or Assistants when necessary after conferring with the Command Element.
    a. The Assistant is a subordinate to the principal.

**LIAISON OFFICER (continued)**

b. The Assistant does not have to possess the same qualifications, i.e., knowledge, skills, experience, as the principal. The Assistant may possess a level of technical and non-technical ability that is less than the principal, and, will be given less responsibility than the principal.

c. The role of the Assistant is flexible, and the Assistant may:
   (1) Collect incident related information, monitor performance, evaluate incident operations / resources and communicate with the principal, i.e., be the "eyes and ears" of the principal.
   (2) Make notifications.
   (3) Function as a relief.
   (4) Be assigned specific tasks as requested by the principal.

d. The Assistant may be a member of a different Agency / Jurisdiction than the principal. For example, the Assistant may be a member of an Agency / Jurisdiction that:
   (1) Currently has, or after a period of time, may have significant resources involved in the incident management effort; or,
   (2) Currently is, or after a period of time, may be significantly affected by the incident.

22. Absent unusual circumstances, establish a work location at or in the vicinity of the Incident Command Post.

***ADDITIONAL DATA***

*If there is a Single Command – Command Element, the Incident Commander may designate the one Liaison officer; however, OEM has the authority and may designate the one Liaison officer. When the NYPD is the Primary Agency in a Single Command - Command Element, if the Liaison officer position is activated, absent unusual circumstances, the Incident Commander should make every effort to have a member of the NYPD designated as the Liaison officer; or if that is not possible, designated as an Assistant to a non-NYPD Liaison officer.*

*If there is a Unified Command – Command Element, all of the Agency Incident Commanders will jointly designate the one Liaison officer; however, OEM has the authority and may designate the one Liaison officer. When the NYPD is one of the Primary Agencies in a Unified Command - Command Element, if the Liaison officer position is activated, absent unusual circumstances, the NYPD Agency Incident Commander should make every effort to have a member of the NYPD designated as the Liaison officer; or if that is not possible, designated as an Assistant to a non-NYPD Liaison officer.*

**PURPOSE** To outline the duties of the Operations Section chief in CIMS.

**PROCEDURE** Upon arriving at the scene of an incident, the responsibilities of the Operations Section chief are:

**OPERATIONS SECTION CHIEF**

1. Confer with the Command Element and determine whether there will be one Operations Section chief; or, two or more Agency Operations Section chiefs.
   a. If there is a Unified Command – Command Element, each of the Agency Incident Commanders will designate an Agency Operations Section chief. However, if all of the Agency Incident Commanders agree, they may jointly designate one Operations Section chief.
   b. If there is a Single Command – Command Element at a CBRN / HazMat incident, the NYPD Incident Commander; and FDNY Supporting Agency / Agency Representative; and DEP Supporting Agency / Agency Representative; and DOHMH Supporting Agency / Agency Representative will each designate an Agency Operations Section chief. However, if the NYPD Incident Commander; and FDNY Supporting Agency / Agency Representative; and DEP Supporting Agency / Agency Representative; and DOHMH Supporting Agency / Agency Representative all agree, they may jointly designate one Operations Section chief.
   c. If there is a Single Command – Command Element, except for a CBRN / HazMat incident, the Incident Commander will designate the one Operations Section chief.
2. Assume command as the Operations Section chief or NYPD Agency Operations Section chief as part of the Incident Management Team.
   a. If there is a Unified Command – Command Element, assume command as the NYPD Agency Operations Section chief in a Unified Operations Section and work collaboratively with the Agency Operations Section chief designated by each of the Primary Agencies that have command responsibility in the Unified Command - Command Element.
   b. If there is a Single Command – Command Element at a CBRN /HazMat incident, assume command as the NYPD Agency Operations Section chief in a Unified Operations Section and work collaboratively with the FDNY Agency Operations Section chief, the DEP Agency Operations Section chief and the DOHMH Agency Operations Section chief.

**OPERATIONS SECTION CHIEF (continued)**

c. If there is a Single Command – Command Element, except for a CBRN / HazMat incident, and the NYPD is the Primary Agency, assume command as the one Operations Section chief and work collaboratively with each Supporting Agency / Agency Representative.

3. Select an appropriate location and establish an Operations Section Post. If there is a Unified Operations Section, Agency Operations Section chiefs will jointly select an appropriate location to establish the Operations Section Post.
   a. The Operations Section Post is the location where the Operations Section chief / Agency Operations Section chiefs, Deputy(ies) and appropriate staff will remain and manage / direct all of the tactical functions, operations and activities.
   b. The Operations Section Post generally will not be co-located with the Intelligence / Investigations Section Post or the Incident Command Post. The Operations Section Post will be established at a secure location within a reasonable distance from the Intelligence / Investigations Section Post and the Incident Command Post.
   c. The Operations Section Post can be any type of facility that is available and appropriate, e.g., vehicle, trailer, tent, open area, room in a building.
   d. Choose a location that is a reasonable and appropriate distance from the incident; and, will provide for safety, health, security and force protection; and, will provide easy and expeditious access and egress; and, is sufficiently large and will allow for expansion; and, will permit continuous operations; and, will provide adequate workspace and utility / communications service. Generally, the Operations Section Post will be located within the Site Access Control / Outer Perimeter.
   e. If necessary, the Operations Section Post may be relocated.
   f. Ensure adequate safety, health, security and force protection measures are implemented.
4. Develop and implement accountability, safety, health, force protection and security measures for personnel, vehicles, equipment, facilities and other resources.
5. <u>Direct</u> appropriate tactical operations, functions and activities:
   a. If there is a Unified Operations Section, <u>each</u> Agency Operations Section chief will <u>direct</u> the tactical operations involving their Agencies' Core Competencies. Each Agencies' Core Competencies are listed in the CIMS Core Competency chart.
   b. If there is a Single Operations Section, the one Operations Section chief will <u>direct</u> all tactical operations.

**OPERATIONS SECTION CHIEF (continued)**

6. Ensure appropriate tactical operations, functions and activities are expeditiously implemented including reduction / elimination of the immediate hazard; saving lives; protecting property; ensuring public safety, controlling / stabilizing incident conditions; implementing site management operations; providing force protection / security regarding incident personnel; mitigating the incident; implementing recovery / restoration operations.
7. Tactical assignments will be based upon the responding Agencies' functional capabilities, e.g., resources, expertise, training, experience, skills; and, legal / jurisdictional authority, mission and responsibilities.
8. Develop and implement appropriate tactics and tactical operations / activities in order to effectively, efficiently and expeditiously achieve the Incident Objectives.
   a. Confer with Branch Director(s), Sector Supervisor(s), Group Supervisor(s) and / or Team Leader(s) in order to develop and implement appropriate tactics and tactical operations / activities.
   b. When appropriate, confer with the Primary Agency(ies), Supporting Agency(ies), Coordinating Agency and / or other appropriate involved governmental agencies, non-governmental organizations, and / or private entities / individuals regarding the tactics and tactical operations / activities.
   c. When appropriate, the tactics and tactical operations / activities should be capable of being implemented and completed within the designated "Operational Period."
9. Monitor tactical operations / activities at the incident.
   a. Evaluate performance and determine whether the tactics and tactical operations / activities are accomplishing the Incident Objectives in an effective, efficient and expeditious manner.
   b. Make appropriate modifications when necessary.
10. Ensure tactical operations are performed in a safe manner; and, that adequate force protection, security, health and safety measures are implemented.
11. Determine the required number, *Kind* and *Type* of resources; and, request the appropriate authority to have the required resources promptly respond to the designated location, i.e., Staging Area(s).
12. After proper "*Check-In*", appropriately organize arriving resources and resources that initially responded directly to the incident scene:
    a. Single Resources,
    b. Resource Teams,
    c. Special Response Teams.
13. Assign and deploy arriving resources and resources that initially responded directly to the incident scene to appropriate incident related tactical operations, functions and activities; and / or, retain them at the Staging Area(s) in an *Available status* awaiting assignment.
    a. Ensure there are adequate reserves.

**OPERATIONS SECTION CHIEF (continued)**

14. Organize the Operations Section based upon:
    a. Span of control; and / or
    b. Geographical boundaries; and / or
    c. Function; and / or
    d. Agency Core Competencies / functions; and / or
    e. Agency / jurisdictional responsibilities / authority.
15. When appropriate, organize the Operations Section in any of the following ways:
    a. Resources report directly to the Operations Section.
    b. Resources report to Sectors, and Sectors report to the Operations Section (geographical).
    c. Resources report to Groups, and Groups report to the Operations Section (functional).
    d. Resources report to Sectors and Groups; and, Sectors and Groups report to the Operations Section (functional / geographic).
    e. Sectors and / or Groups report to Branches; and, the Branches report to the Operations Section (Span of Control).
    f. Functional / Agency Core Competency Branches report to the Operations Section (functional).
    g. Agency / Jurisdiction Branches report to the Operations Section (Agency / jurisdictional responsibilities).
    h. Geographic Branches report to the Operations Section (geographical).
16. Manage appropriate tactical resources:
    a. Deploy existing resources.
    b. When appropriate, redeploy existing resources.
    c. Maintain adequate reserves.
    d. When necessary, request the appropriate authority to order / request additional resources to promptly respond to the designated location, i.e., Staging Area(s).
    e. Approve release of resources from active tactical assignments, but do not approve release / demobilization from the incident.
17. Continually monitor / evaluate the organizational structure and effectiveness of the Operations Section; and, the performance of the Deputy(ies), Branch Directors, Sector / Group Supervisors, Team Leaders, Managers and assigned personnel.
    a. Make appropriate modifications when necessary.
18. Maintain close communication with the Command Element.
19. Coordinate actions, maintain close liaison and continually communicate with the Intelligence / Investigations function.
    a. If an Intelligence / Investigations Section is activated, a member of the Operations Section should be assigned to the Intelligence / Investigations Section Post to act as a liaison; and, a member of the Intelligence / Investigations Section should be assigned to the Operations Section Post to act as a liaison.

**OPERATIONS SECTION CHIEF (continued)**

b. Depending upon the significance of the intelligence / investigative component of the incident and after conferral with the Intelligence / Investigations Section chief, the member of the Operations Section assigned to the Intelligence / Investigations Post and the member of the Intelligence / Investigations Section assigned to the Operations Section Post to act as liaisons may be supervisors.

20. Communicate and coordinate actions with the Command Staff, General Staff, Primary Agency(ies), Supporting Agency(ies), Coordinating Agency; and, appropriate governmental agencies, non-governmental organizations and private entities / individuals.

21. Interact with any position within the incident management organization; however absent emergency circumstances, direction may only be given through the established Chain of Command. Additionally, absent extraordinary circumstances, resource orders / requests and resource *status* changes must be approved by the appropriate authority and communicated through the established Chain of Command.

22. Designate a Deputy or Deputies when necessary.
    a. The Deputy is the counterpart of the principal. Therefore, the Deputy should have the same qualifications, i.e., knowledge, skills, experience, as the principal; and, must be capable of assuming the principal's position.
    b. The role of the Deputy is flexible and the Deputy may:
        (1) Collect incident related information, monitor performance, evaluate incident operations / resources and communicate with the principal, i.e., be the "eyes and ears" of the principal.
        (2) Make important notifications, e.g., Bureau Chief, Patrol / Detective Borough Commander, Operations Unit, Emergency Operations Center if activated, Area Command if activated.
        (3) Function as a relief.
        (4) Be assigned specific tasks as requested by the principal.
    c. The Deputy may be member of a different Agency / Jurisdiction than the principal. For example, the Deputy may be a member of an Agency / Jurisdiction that:
        (1) Currently has, or after a period of time, may have significant resources involved in the incident management effort; or,
        (2) Currently is, or after a period of time, may be significantly affected by the incident.

23. Participate in planning meetings when appropriate.

24. Assist in the development of the Incident Action Plan.
    a. Ensure that the tactical aspects of the Incident Action Plan are properly formulated and implemented.
    b. Provide advice to the Planning Section regarding the tactical aspects of the Demobilization Plan.

**OPERATIONS SECTION CHIEF (continued)**

25. Prepare and maintain appropriate records, forms, logs, reports, etc., regarding the Operations Section functions / activities.

26. Continually monitor performance, analyze data / information, evaluate incident operations and resources, assess the current situation and evaluate the implementation of the Incident Action Plan.
    a. Provide advice and make appropriate recommendations to the Command Element regarding incident related tactical and resource issues.
    b. Recommend to the Command Element, any necessary modifications to the current Incident Action Plan, including Incident Objectives, Strategies, Tactical Direction, tactics, assignments, priorities, resources, incident management operations, communications, etc.
    c. Modifications may be implemented during the current Operational Period or prior to the start of the subsequent Operational Period as appropriate.

27. Manage all law enforcement related operations, functions and activities including summonses, summons processing, arrests, prisoners, arrest verification, prisoner security / safeguarding, prisoner identification, arrest processing, photographing prisoners, prisoner confinement, prisoner transportation, prisoner release / arraignment, etc.

28. Activate and control all Staging Areas.
    a. A Staging Area is a temporary location / facility for situating and organizing resources that are in *Available status* and may be deployed to incident assignments. It may contain temporary fueling and sanitation facilities. **A Staging Area was formerly referred to as a Mobilization Point.**
    b. Pursuant to CIMS, there may be more than one Staging Area. However, absent unusual circumstances, there should be only one NYPD Staging Area for NYPD resources. Nevertheless, there may be more than one NYPD Staging Area if:
        (1) Specialized units, personnel, vehicles, equipment or other specialized resources are required at the incident, e.g., Emergency Services Unit, Mounted Unit, Highway District; or,
        (2) The incident area is extraordinarily large; or,
        (3) An extremely large number of personnel, vehicles, equipment or other resources are required at the incident; or,
        (4) A significant amount of large specialized equipment is required at the incident; or,
        (5) Confidential / sensitive resources are required at the incident; or,
        (6) There have been several Operational Periods and the incident has not been resolved and incident operations will continue for a prolonged period of time; or,
        (7) There are other circumstances that require the activation of more than one Staging Area.

**OPERATIONS SECTION CHIEF (continued)**

c. Pursuant to CIMS, depending upon the circumstances, different Agencies may have one or more separate Staging Areas; or, different functional / Core Competency Branches may have one or more separate Staging Areas.

d. Resources situated at a Staging Area(s) may be in *Available status* awaiting a tactical and / or investigative assignment, and should be prepared for assignment / deployment within three minutes. A Staging Area(s) should be used to organize Single Resources into Resource Teams and / or Special Response Teams.

e. *Out-of-Service* resources should not be situated at a Staging Area(s); and, Logistics functions should not be performed at a Staging Area(s).

f. When necessary, activate a Staging Area(s) for watercraft.

g. If more than one Staging Area is required then ensure an appropriate number of Staging Areas are activated; and, that the activities / functions occurring at each of the Staging Areas are performed in a coordinated manner.

h. A location will be chosen that is a reasonable and appropriate distance from the incident; and, will permit the expeditious deployment of staged resources to the incident and / or area of assignment; and, will provide for safety, health, security and force protection; and, will provide easy and expeditious access and egress; and, will provide adequate work space and utility / communications service; and, will permit continuous operations. The location chosen should be sufficiently large; and, should allow for expansion; and, should accommodate the responding resources and the required reserves; and if possible, should have sufficient space for expansion in order to accommodate a Level 3 or Level 4 mobilization.

i. A Staging Area(s) may be relocated when necessary.

j. A Staging Area(s) may be deactivated when appropriate.

k. Ensure adequate safety, health, security and force protection measures are implemented regarding the Staging Area(s).

l. When it is activated, a Staging Area(s) must be clearly marked and be readily identifiable. A Staging Area(s) will be given a name that describes its general location. A Staging Area(s) may be in the vicinity of or adjacent to other Incident Facilities; but, must have its own separate location and name.

m. The initial boundaries of the Staging Area(s) should be identified and communicated to the Command Element, Communications Section dispatcher and / or supervisor, Command Staff positions, General Staff Sections and each appropriate Supporting Agency / Agency Representative. Additionally, response routes / directions to the Staging Area(s) should be communicated to the responding resources by the Communications Section dispatcher and / or supervisor; or, when necessary, directly by the appropriate incident management organizational element / personnel; or, in any other appropriate manner.

**OPERATIONS SECTION CHIEF (continued)**

n. Determine the appropriate number, *Kinds* and *Types* of resources that will be situated at the Staging Area(s); and / or, retained / maintained as reserves at the Staging Area(s).

o. Retain / maintain adequate resource reserves at the Staging Area(s), and increase or decrease the reserves when necessary.

p. When necessary, request the appropriate authority to have additional required resources respond to the Staging Area(s) for deployment to incident related assignments, or to maintain adequate reserves, or for any other appropriate purposes.

q. Designate a Staging Area Manager to control each of the Staging Areas.

r. Inform each of the Staging Area Managers of the following:

(1) The number, *Kinds* and *Types* of resources that will be responding to the Staging Area(s).

(2) Communications procedures, devices, channels, equipment, frequencies and measures that will be utilized.

(3) Minimum number of resources and specific *Kinds* and *Types* of resources that must be retained / maintained as reserves at the Staging Area(s).

(4) Directions regarding organizing Single Resources into Resource Teams and / or Special Response Teams.

(5) Procedures for requesting / ordering additional resources.

(6) Estimated length of time the Staging Area(s) will be activated / utilized.

(7) Procedures for requesting / ordering logistics service and support.

s. Ensure that personnel arriving at the Staging Area(s) "*Check-In*" with the Resources Unit; and, supplies and equipment delivered to the Staging Area(s) are receipted for by the Supply Unit. If the Resources Unit and / or the Supply Unit are not activated, ensure that the Staging Area Manager(s) provides appropriate direction regarding arriving personnel and / or delivered supplies / equipment.

t. Each of the Staging Area Managers will:

(1) When appropriate and authorized, organize Single Resources into Resource Teams and / or Special Response Teams.

(2) Dispatch resources at the direction of the Operations Section chief, or the Command Element if the Operations Section has not been activated.

(3) Request / order Logistics Section service / support as necessary.

(4) Monitor and track the number, *Kinds*, *Types* and *status* of resources situated at the Staging Area.

**OPERATIONS SECTION CHIEF (continued)**

(5) Notify the Operations Section chief, or the Command Element if the Operations Section has not been activated, when additional resources should be ordered / requested in order to be deployed to incident related assignments, and / or to maintain adequate reserves, and / or for any other appropriate purposes.

(6) Ensure that adequate safety, health, security and force protection measures have been implemented regarding the Staging Area.

(7) Frequently inform the Operations Section chief, or the Command Element if the Operations Section has not been activated, regarding the activities / functions occurring at the Staging Area so as to enable the Operations Section chief, or the Command Element if the Operations Section has not been activated, to ensure that the activities / functions at each of the Staging Areas are performed in a coordinated manner.

29. Manage and direct tactical and logistical / support air operations and aviation / aircraft resources including helicopter (rotary-wing), airplane (fixed-wing) and blimp (air-ship) aircraft.

a. Ensure an appropriate number of Helibases are activated, and that the activities / functions occurring at each Helibase are performed in a coordinated manner, and that a NYPD Helibase Manager is designated to supervise and manage each Helibase.

(1) Ensure each Helibase is situated at an appropriate location and is properly managed;

(2) Ensure each Helibase Manager is situated and operates on the ground at the Helibase.

(3) Ensure adequate safety, health, security, and force protection measures are implemented regarding each Helibase.

(4) Absent extraordinary circumstances, only one Helibase will be activated; and it will be situated at the NYPD Chief of Special Operations, Aviation Unit located at Floyd Bennett Field, Brooklyn.

b. Ensure an appropriate number of Helispots are activated, and that the activities / functions occurring at each Helispot are performed in a coordinated manner, and that a NYPD Helispot Manager is designated to supervise and manage each Helispot.

(1) Ensure each Helispot is situated at an appropriate location and is properly managed;

(a) When appropriate, each Helispot may be deactivated and / or relocated.

(2) Absent unusual circumstances, ensure each NYPD Helispot Manager is either a Police Officer or supervisor assigned to the Emergency Services Unit.

**OPERATIONS SECTION CHIEF (continued)**

(a) Patrol Services Bureau personnel will be utilized to assist each Emergency Services Unit Helispot Manager.

(3) Ensure each Helispot Manager is situated and operates on the ground at the Helispot;

(4) Ensure adequate safety, health, security and force protection measures are implemented regarding each Helispot.

30. Coordinate the actions of the aviation / aircraft resources regarding rooftop observers; Field Observers; Weather Observers; ground units; surface and underwater marine units; Primary Agency(ies); Supporting Agency(ies); Coordinating Agency; and other appropriate resources at the incident, and when applicable, at appropriate off incident sites.

31. Implement Site Management Operations by organizing and deploying the appropriate number, *Kind* and *Type* of resources, e.g., personnel (uniformed, plainclothes and undercover), vehicles, (marked, unmarked, nondescript), barriers (fixed / moveable), watercraft, aircraft, equipment, etc., to create perimeters, roadblocks / checkpoints, security / guard posts, surveillance / counter surveillance teams, sniper / counter sniper teams, interdiction teams, heavy weapons teams, etc.

32. When implementing Site Management Operations:

a. Resources may be organized and deployed as Single Resources, Resource Teams and / or Special Response Teams; and,

b. Resources may be organized utilizing Sectors and / or Groups and / or Branches.

33. When appropriate, implement one or more of the following specific types of Site Management Operations:

a. <u>Force Protection / Security</u>

(1) Prevent intrusive and non-intrusive ("stay behind") attack(s) directed at incident personnel, e.g., improvised explosive devices, snipers, vehicle borne improvised explosive devices, suicide bombers, CBRN / HazMat devices, etc.

(2) Prevent unauthorized individuals from infiltrating into the incident site(s); and, when required, remove unauthorized persons.

(3) Prevent individuals from collecting intelligence, performing reconnaissance, conducting surveillance operations, etc., regarding strategic, operational, tactical, investigative, and support incident management plans, procedures, functions and activities.

(4) Specifically, provide security, safety and force protection at the Incident Command Post, Operations Section Post, Intelligence / Investigations Section Post, and any other General Staff Section Post(s) that are not co-located with the Incident Command Post.

**OPERATIONS SECTION CHIEF (continued)**

(5) Specifically provide security, safety and force protection at all activated Incident Facilities including all Staging Areas, all Helispots, Helibase(s) and any other appropriate types of Incident Facilities; and, if activated, the Incident Base and all Camps.

b. Site Access Control / Outer Perimeter

(1) Control vehicular traffic.

(a) Stop / divert vehicular traffic.

(b) Prevent unauthorized access of vehicles; and, when required, have unauthorized vehicles removed.

(c) Provide access / egress to properly identified emergency vehicles; and, other appropriate and necessary properly identified vehicles whose occupants are properly credentialed.

(2) Control pedestrian traffic.

(a) Stop / divert pedestrian traffic.

(b) Prevent unauthorized access of individuals; and, when required, remove unauthorized individuals.

(c) Provide access / egress to appropriate and necessary personnel who are properly credentialed.

c. Evacuation / Shelter

(1) When appropriate, evacuate individuals from an area, building, structure, watercraft, railcar, bus, mass transit station / stop / facility, or any other applicable structure / location.

(2) When appropriate, inform individuals to "shelter in place" or "take shelter" because evacuation would be hazardous.

d. Crowd Control

(1) When necessary, disperse and / or control loitering individuals, groups, crowds, etc., i.e., bystanders, onlookers, spectators.

(2) When appropriate, disperse and / or control disorderly individuals, groups, crowds, etc.

e. Investigative Perimeter

(1) Secure Crime Scene(s)

(2) Secure Investigative Scene(s).

f. Inner Perimeter

(1) Containment and security area established at one or more locations due to the presence of one or more threats / conditions involving a dangerous individual(s), device(s) and / or situation(s), e.g., sniper, hostage taker, improvised explosive device, barricaded person, CBRN / HazMat device, armed emotionally disturbed person, vehicle borne improvised explosive device.

**OPERATIONS SECTION CHIEF (continued)**

(2) No one will be permitted to enter the Inner Perimeter
(a) Without a protective vest, helmet and other necessary PPE appropriate for the actual or potential threat / condition; **and**,
(b) Without the approval of the
1. NYPD Incident Commander in a Single Command – Command Element, or NYPD Agency Incident Commander in a Unified Command – Command Element; or,
2. NYPD Operations Section chief in a Single Operations Section, or NYPD Agency Operations Section chief in a Unified Operations Section, if there is no NYPD Incident Commander or NYPD Agency Incident Commander; or,
3. NYPD Supporting Agency / Agency Representative if there is no NYPD Incident Commander or NYPD Agency Incident Commander and no NYPD Operations Section chief or NYPD Agency Operations Section chief;

g. Safety Perimeter
(1) CBRN / Haz-Mat exclusion zones, i.e., hot zone, warm zone, cold zone.
(2) Health hazards exclusion zones, e.g., decaying human remains, unsafe air quality, body fluids, vectors, infectious diseases, polluted water, etc.
(3) Physical hazards exclusion zones, e.g., falling debris, explosives, weakened structures, exposed electrical wires, unstable rubble, slippery surfaces, confined spaces, etc.

h. Property Security Perimeter
(1) Secure and protect areas, buildings, premises, structures, personal property, merchandise, vehicles, etc., from theft, vandalism, looting and other loss, damage or destruction.

34. When necessary, request the appropriate mass transit Agency(ies) to:
a. Stop mass transit from entering the incident area(s).
b. Have mass transit continue to travel through the incident area(s), but avoid one or more designated mass transit stations, stops, facilities, etc.
c. Discharge and / or board passengers at one or more designated mass transit stations, stops, facilities, etc., either within the incident area(s) or outside of the incident area(s).
d. Reroute mass transit to avoid entering the incident area(s).

35. When necessary, request the appropriate Agency(ies) to stop all vehicular / pedestrian traffic from entering one or more designated bridges and / or tunnels.

**OPERATIONS SECTION CHIEF (continued)**

36. When appropriate, request the Operations Unit, or if activated, the NYPD Emergency Operations Center, to have Transportation Bureau resources, other appropriate Department resources, and / or resources from any appropriate governmental agencies, non-governmental organizations and private entities / individuals deployed outside of the Site Access Control / Outer Perimeter in order to:
    a. Direct traffic away from the incident area(s); and, prevent and / or minimize traffic congestion that may be caused by the incident.
    b. Establish access and egress routes for emergency personnel, vehicles, equipment, etc., responding to or leaving from the incident area(s).
    c. When necessary, provide an escort and establish, post, staff, safeguard, secure, etc., appropriate routes to and / or from the incident area(s) to one or more designated areas and / or facilities located at an off incident site(s), e.g., airport, Police Laboratory, Bomb Squad Explosives Disposal facility, NYC Department of Health and Mental Hygiene Public Health Laboratory, military base.
37. Implement Emergency Credentialing / Site Access Control procedures and operations after consultation with the Primary Agency(ies) and OEM.
38. Implement the Corporate Emergency Access System (CEAS) when directed by the Mayor.

NYPD

**PURPOSE** To outline the duties of the Planning Section chief in CIMS.

**PROCEDURE** Upon arriving at the scene of an incident, the responsibilities of the Planning Section chief are:

**PLANNING SECTION CHIEF**

1. Assume command as the Planning Section chief as part of the Incident Management Team; and, manage strategic, operational and tactical planning activities.
2. When applicable, evaluate the current Incident Action Plan, and if necessary, recommend to the Command Element any required modifications.
3. Determine whether the planning process is adequate for the current Operational Period and the subsequent Operational Period(s), and if necessary, implement any required modifications.
4. To ensure that the required resources and support will be available, and the Incident Action Plan is completed and disseminated / distributed at an appropriate time prior to the start of each subsequent Operational Period, establish a Planning Cycle; and, develop a Planning Schedule / Sequence; and, commence the planning process for each subsequent Operational Period at an appropriate time.
   a. The Planning Cycle and /or Planning Schedule / Sequence may change as the incident / event progresses and evolves; and, the length of the current Operational Period and the next subsequent Operational Period(s) change
5. Confer with the Command Element, General Staff, Command Staff, each appropriate Supporting Agency / Agency Representative, Coordinating Agency and appropriate governmental agencies, non-governmental organizations and private entities / individuals regarding relevant planning activities and the preparation of the Incident Action Plan for each Operational Period.
6. Conduct, facilitate and direct planning meetings.
   a. Identify appropriate planning meeting attendees in consultation with the Command Element.
   b. Ensure maps, charts, matrices, photos / images, timelines, spreadsheets and other planning aids and tools are available.
   c. Ensure briefing is provided regarding current:
      (1) Incident situation, conditions and occurrences;
      (2) Operational activity, i.e., Life Safety, Site Management, Investigations, Recovery / Restoration;
      (3) Resources and support;
      (4) Environmental conditions;
      (5) Appropriate intelligence / information / data.
   d. Ensure that threat and risk assessment information is provided.

**PLANNING SECTION CHIEF (continued)**

e. Ensure resource and support needs / requirements are provided.

f. Ensure all relevant policy, legal, administrative, fiscal, jurisdictional constraints and limitations are provided.

g. Provide estimates / forecasts regarding future incident related conditions / occurrences; future incident related issues / problems; the development / evolution of the incident; the effects of incident management operations; incident potential; environmental conditions; etc.

h. Assist in the formulation of the Incident Objectives, Strategies, Tactical Direction, tactics and assignments.

i. Assist in determining the required resources and support.

j. Assist in identifying priorities.

k. Develop contingency / alternative Strategies and Tactical Direction.

l. Assist in determining appropriate locations to situate Incident Facilities.

m. Prepare and maintain the Planning Matrix.

n. Plot all appropriate information on a map(s) of the incident area(s), e.g., Sector / Group / Branch boundaries and assignments, Incident Facilities, Site Management Operations perimeters, emergency egress/ access routes.

o. Provide information regarding inter-agency interoperable communications procedural and technological measures.

7. When necessary, develop contingency and alternative plans.

8. When appropriate, conduct long range planning beyond the next several subsequent Operational Periods.

9. Supervise preparation of the Incident Action Plan for each Operational Period.

a. The Incident Action Plan may be verbal or written.

(1) The Incident Action Plan must be written if there:

(a) Is a Unified Command – Command Element; or,

(b) Will be more than one Operational Period.

b. The length of an Operational Period is determined by the length of time needed to achieve the Incident Objectives; and, may change as the incident develops, progresses and evolves.

c. Ensure that the Incident Action Plan:

(1) Adequately addresses the mission, jurisdiction, policies, constraints, responsibilities, etc., of each of the Primary Agencies that are a part of the Unified Command - Command Element; and,

(2) Provides adequate coordination between the Primary Agency(ies), Supporting Agency(ies), Coordinating Agency and other appropriate governmental agencies, non-governmental organizations and private entities / individuals.

**PLANNING SECTION CHIEF (continued)**

d. Ensure that the Incident Action Plan includes:
   (1) Statement of Incident Objectives.
      (a) When appropriate describe Strategies and Tactical direction.
   (2) Organization
      (a) Incident management organizational elements, i.e., Organizational Chart, and
      (b) Identities of the specific management and supervisory personnel.
   (3) Tactics, assignments, resources, reserves and support; and required resources / support.
   (4) Map(s) and Supporting Plans and Supporting Material / Attachments
      (a) Map(s) of the appropriate area(s).
      (b) Supporting Plans, e.g., Medical Plan, Health and Safety Plan, Communications Plan, Traffic Plan, Intelligence / Investigations Plan, Logistics Plan, Prisoner Processing Plan, Air Operations Plan.
      (c) Supporting Material, e.g., risk assessments, threats, medical surveillance information, structural design information, geological data, meteorological data, utilities design / operations data, public works design / operations data, criminal intelligence, geospatial data and, when appropriate, unclassified intelligence community information.
      (d) Supporting Attachments, e.g., additional maps, spreadsheets, charts, photos / images, timelines, matrices.
      (e) Ensure that the Incident Action Plan incorporates applicable incident management "Best Practices" and "Lessons Learned."

10. Have the approved Incident Action Plan prepared and reproduced for each Operational Period.

11. Prior to the start of each Operational Period, disseminate and / or distribute the Incident Action Plan for each Operational Period to all supervisors and other appropriate personnel in the appropriate manner, i.e., verbal briefings and / or distribution of a written document.

12. Continually monitor performance, analyze data / information, evaluate incident operations and resources, assess the current situation and evaluate the implementation of the Incident Action Plan.
   a. Provide advice and make appropriate recommendations to the Command Element regarding incident related planning, current situation, resource *Check-In / status*, information collection / dissemination, documentation, demobilization and Technical Specialist issues.

**PLANNING SECTION CHIEF (continued)**

b. Recommend to the Command Element any necessary modifications to the current Incident Action Plan, including Incident Objectives, Strategies, Tactical Direction, tactics, assignments, priorities, resources, incident management operations, communications, planning activities, documentation, demobilization, information collection / dissemination, etc.

c. Modifications may be implemented during the current Operational Period or prior to the start of the subsequent Operational Period as appropriate.

13. Continually monitor / evaluate the organizational structure and effectiveness of the Planning Section; and, the performance of the Deputy(ies), Unit Leaders and assigned personnel.
    a. Make appropriate modifications when necessary.
14. Select an appropriate location to establish the Planning Section.
    a. Absent unusual circumstances, the Planning Section will be located at the Incident Command Post.
15. Develop and implement accountability, safety, health, force protection and security measures for personnel, vehicles, equipment, facilities and other resources.
16. Designate a Deputy or Deputies when necessary.
    a. The Deputy is the counterpart of the principal. Therefore, the Deputy should have the same qualifications, i.e., knowledge, skills, experience as the principal; and, must be capable of assuming the principal's position.
    b. The role of the Deputy is flexible and the Deputy may:
        (1) Collect incident related information, monitor performance, evaluate incident operations / resources and communicate with the principal, i.e., be the "eyes and ears" of the principal.
        (2) Make important notifications, e.g., Bureau Chief, Patrol / Detective Borough Commander, Operations Unit, Emergency Operations Center if activated, Area Command if activated.
        (3) Function as a relief.
        (4) Be assigned specific tasks as requested by the principal.
    c. The Deputy may be a member of a different Agency / Jurisdiction than the principal. For example, the Deputy may be a member of an Agency / Jurisdiction that:
        (1) Currently has, or after a period of time, may have significant resources involved in the incident management effort; or,
        (2) Currently is, or after a period of time, may be significantly affected by the incident.
17. Manage the *"Check-In"* of all resources including arriving resources and resources that initially responded directly to the incident scene.
    a. Assign *"Check-In Recorders"* to all locations and / or facilities where resources may *Check-In*:

**PLANNING SECTION CHIEF (continued)**

(1) Staging Area(s)
(2) Incident Command Post
(3) When applicable, Intelligence / Investigations Section Post. When applicable, investigative resources will *Check-In* at the Intelligence / Investigations Section Post.
(4) Helibase(s). Absent extraordinary circumstances, *Check-In* will not occur at a Helibase(s).
(5) Incident Base. Absent extraordinary circumstances an Incident Base will not be activated in NYC.
(6) Camp(s). Absent extraordinary circumstances a Camp(s) will not be activated in NYC.

b. Pursuant to CIMS, absent extraordinary circumstances, resources must formally *Check-In* before reporting to the Operations Section or Sectors or Groups or Branches for assignment.

c. Ensure resources that *Check-In* are properly recorded on **DETAIL ROSTER / ASSIGNMENT SHEETS (PD406-141)** or other appropriate *Check –In* forms, logs, records, etc.

d. Efforts should be made to electronically record / document resources that *Check-In*.

e. Determine the frequency and implement a schedule for the *Check-In Recorders* to provide / report *Check-In* information to the appropriate incident management organizational element / personnel.

18. Collect, process, organize, analyze, evaluate, document, monitor, prepare summaries, display and disseminate resource related information / data including the number, *Type* and *Kind* of *Assigned*, *Available*, *Out of Service*, requested, allocated, responding, required, etc., resources.

19. Implement a conventional, analog or digital system to document, monitor and track the current location, *status*, quantity, *Kind*, *Type*, assignment, etc., of all resources.

20. Maintain conventional, analog or digital records, documents and files, indicating the location, *status*, quantity, *Kind*, *Type*, assignment, etc., of all resources.

a. Maintain a "master list" of all resources.

21. Determine the current and estimate / forecast future needs and requirements regarding routine and specialized resources.

22. Identify and collect required current situation information including information involving the condition / progress of the incident, incident operations and environmental conditions.

a. Utilize Field Observers, Weather Observers, Intelligence / Investigations Liaison, Technical Specialists, and any other appropriate incident personnel or personnel located at off incident sites.

b. Maintain close liaison with the Public Information officer.

c. Maintain close liaison with other Command Staff positions and General Staff Sections.

d. Utilize appropriate technical methods / techniques.

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**PLANNING SECTION CHIEF (continued)**

e. Utilize any other appropriate incident resources or resources located at off incident sites.

23. Process, organize, analyze, evaluate, document, monitor, prepare summaries, display and disseminate all current situation information.

24. Identify and collect from various sources required routine and specialized information, intelligence and data, including risk assessments, threats, medical surveillance information, structural design information, geological data, meteorological data, utilities design / operations data, public works design / operations data, criminal intelligence, geospatial data and, when appropriate, intelligence community information.
    a. Maintain close liaison with the Intelligence / Investigations function irrespective of whether it is organized as a Section, Branch, Group or Command Staff position.
    b. Utilize Field Observers, Weather Observers, Intelligence / Investigations Liaison, Technical Specialists, and any other appropriate incident personnel or personnel located at off incident sites.
    c. Maintain close liaison with the Public Information officer.
    d. Maintain close liaison with other Command Staff positions and General Staff Sections.
    e. Utilize appropriate technical methods / techniques.
    f. Utilize any other appropriate incident resources or resources located at off incident sites.

25. Process, organize, analyze, evaluate, document, monitor, prepare summaries, display and disseminate appropriate incident related information, intelligence and data.

26. Coordinate with the Operations Section, the Intelligence / Investigations function and other appropriate General Staff Sections and Command Staff positions to ensure that all planning activities are reconciled with and do not compromise intelligence, investigative, support, operational, etc., confidentiality or security.

27. Implement procedures, plans, activities, etc., to ensure:
    a. Classified information is
        (1) Appropriately transmitted, received, documented, recorded, safeguarded, filed, maintained, secured, stored, etc.; and,
        (2) Communicated to and received by personnel specifically selected by the Command Element who have the appropriate "clearance level" / "access", i.e., Top Secret, Secret, SCI, and authorization, i.e., "need to know".
    b. Information that is restricted unclassified information, e.g., Law Enforcement Sensitive (LES), Official Use Only (OUO), Sensitive But Unclassified (SBU), personal, originator controlled, export controlled, personnel related, proprietary, etc., is

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**PLANNING SECTION CHIEF (continued)**

(1) Appropriately transmitted, received, documented, recorded, safeguarded, filed, maintained, secured, stored, etc; and,

(2) Communicated to and received by appropriate authorized personnel.

28. Confer with the Command Element and, when appropriate, the Intelligence / Investigations function, regarding the development, implementation and management of intelligence / information / data security and operational security procedures, plans, activities, etc.
29. Report any significant changes in the current incident situation, or the incident progress, development and evolution.
30. Maintain records / documents and prepare analyses, evaluations, summaries and displays concerning estimates / forecasts regarding future incident related conditions / occurrences; future incident related issues / problems; the development / evolution of the incident; the effects of incident management operations; incident potential; environmental conditions; etc.
31. Provide duplication services for incident personnel.
32. Ensure required incident related records / documents are prepared and the incident and all appropriate incident related activity is properly documented utilizing appropriate conventional, analog and digital techniques / methods.
    a. Prepare and maintain required conventional, analog and digital incident related documents, reports, forms, logs, records, files, etc.
    b. Maintain records / documents regarding the major steps taken to resolve the incident.
33. Ensure that conventional, analog and digital incident records / documents are properly prepared, maintained, safeguarded, filed, secured, stored, etc., for analytical, historical, legal and other appropriate purposes.
34. Maintain Incident Command Post Log containing:
    a. Summary of personnel deployment.
    b. Chronological listing of significant occurrences, conditions, operations, activities, etc.
    c. Chronological listing of essential information, e.g., crimes, arrests, injuries, fatalities.
    d. Results of periodic survey of incident area(s).
    e. Transfer(s) of Command.
    f. Information regarding the significant operations, actions, decisions, activities, etc., taken to resolve the incident.
    g. Other appropriate information / data.
35. Maintain maps, status boards, spreadsheets, matrices, charts, photos / images, timelines and other appropriate displays / visual aids regarding:
    a. Sector boundaries and Group deployments.
    b. Current resource deployments and estimated / forecasted future deployments.

**PLANNING SECTION CHIEF (continued)**

c. Locations of Incident Facilities, i.e., Incident Command Post, Operations Section Post, Intelligence / Investigations Post, Staging Area(s), Helispots, etc.

d. Locations of past, current and estimated / forecasted future major incidents / events, e.g., disorderly groups, building collapses, fires, power outages.

e. Perimeters implemented as part of Site Management Operations.

f. Critical infrastructure, hazardous locations, sensitive locations and other appropriate areas / facilities.

g. Appropriate emergency access / egress, evacuation, traffic, etc., routes.

h. If applicable, appropriate mass transportation stations, terminals, routes, facilities, etc.

i. CBRN / HazMat exclusion zones, if applicable.

j. Current resources and estimated / forecasted future resource needs.

k. Any other relevant or necessary information that could be better understood or analyzed if it was visually displayed.

36. Supervise preparation of the Demobilization Plan.

a. Ensure Demobilization planning commences at an appropriate time during the incident.

b. Recommend Demobilization release priorities to the Command Element for approval based upon continuing resource / support needs and requirements both at the incident, and when applicable, at appropriate off incident sites.

c. Include specific instructions for all personnel and resources that will be demobilized.

d. Ensure the Demobilization Plan is expeditiously disseminated / distributed in the appropriate manner at the incident, and when applicable, at appropriate off incident sites.

37. Manage the utilization, assignment and deployment of Technical Specialists, e.g., meteorologist, chemist, engineer, computer technician, epidemiologist, accountant, attorney, veterinarian, toxicologist, biologist, criminalist, physicist, medical doctor, etc.

a. Technical Specialists may:

(1) Report directly to the Planning Section chief;

(2) Report to any activated Unit / function within the Planning Section;

(3) Be assigned to a separate specific Technical Specialists Unit within the Planning Section;

(4) Be assigned to one or more General Staff Sections;

(5) Be assigned to one or more Command Staff positions as an Assistant(s);

(6) Be designated as one or more additional separate Command Staff officers.

**`PLANNING SECTION CHIEF (continued)**

38. Determine whether to activate or deactivate a Unit within the Planning Section. If a Unit is not activated or is deactivated, the Planning Section chief is responsible for performing / managing that Unit's functions.
    a. The number of personnel assigned to a particular Unit will be determined by the Planning Section chief after conferring with the Command Element, and will depend upon the nature, size, complexity, location, duration, etc., of the incident.
39. Interact with any position within the incident management organization; however absent emergency circumstances, direction may only be given through the established Chain of Command. Additionally, absent extraordinary circumstances, resource orders / requests and resource *status* changes must be approved by the appropriate authority and communicated through the established Chain of Command.
40. Prepare and maintain appropriate records, forms, logs, reports, etc., regarding the Planning Section functions / activities.
41. When necessary, activate or deactivate any of the following Units:
    a. Resources Unit
    b. Situation Unit
    c. Documentation Unit
    d. Demobilization Unit.

***FORMS AND REPORTS***

***DETAIL ROSTER / ASSIGNMENT SHEETS (PD406-141)***

NYPD

**PURPOSE** To outline the duties of the Logistics Section chief in CIMS.

**PROCEDURE** Upon arriving at the scene of an incident, the responsibilities of the Logistics Section chief are:

**LOGISTICS SECTION CHIEF**

1. Assume command as the Logistics Section chief as part of the Incident Management Team; and, with the exception of logistics / support air operations and aviation / aircraft resources, manage all logistics service and support functions at the incident, and when applicable, at appropriate off incident sites.
2. Determine whether to activate or deactivate a Unit within the Logistics Section. If a Unit is not activated or is deactivated, the Logistics Section chief is responsible for performing / managing that Unit's functions. The number of personnel assigned to a particular Unit will be determined by the Logistics Section chief after conferring with the Command Element, and will depend upon the nature, size, complexity, location, duration, etc., of the incident.
3. Ensure logistics "Service" functions are properly performed.
   a. Communications
      (1) Manage all incident related communications functions and activities, i.e., voice / audio, data, image, text.
      (2) Engage in communications planning functions / activities; and, prepare the Communications Plan. The Communications Plan may be verbal or written.
      (3) When necessary, activate, operate and supervise the Incident Communications Center.
      (4) Request / order, obtain, receive, document, process, provide, record, install, test, distribute, maintain, service, safeguard, repair, replace, secure, store, recover, etc., analog and digital, and mobile / wireless and wire / landline, communications devices, equipment, systems and networks, i.e., voice / audio, data, image, text, including radios; landline telephones; wireless cellular and push-to-talk telephones; desk top, lap top and handheld digital computer communications hardware, software, peripherals, accessories, etc.; public address devices / systems; bullhorns; facsimile devices; pagers; mobile digital terminals; blackberries; pocket digital assistants; etc.
      (5) Identify and provide necessary NYPD Borough / Citywide "repeated" radio frequencies and / or tactical "point-to-point" radio frequencies for operational, command, tactical, investigative, support, aviation, etc., communications; and, provide any other additional required NYPD radio frequencies.

**LOGISTICS SECTION CHIEF (continued)**

(6) Provide inter-agency interoperable communications procedural and technological measures; and when appropriate, provide Borough / Citywide "repeated" interoperable radio frequencies, and / or tactical "point-to-point" interoperable radio frequencies.

(7) When appropriate and necessary, provide the NYC Agencies' Citywide "repeated" interoperable 800 MHz radio frequency.

(8) When appropriate, provide radio / mobile phone interconnect systems at incidents requiring additional support to ensure interoperable / shared communications.

(9) Provide all required communication links to appropriate off incident sites.

***NOTE*** *Logistics Section Chief may have to work with other agencies communications.*

b. Medical

(1) Generally not activated in NYC. However, a Medical Unit may be activated during a large incident that will continue for a significant period of time, or for a CBRN / HazMat incident.

(2) Responsible for all medical service / support involving incident personnel at the incident, and when applicable, at appropriate off incident sites including providing medical care / treatment; vaccinations; prophylaxis; medical information; appropriate decontamination measures / treatment; emergency medical care / treatment; emergency and non-emergency transportation to appropriate medical facilities; mental, psychological, emotional and behavioral health services; privacy / security for hospitalized incident personnel; occupational health services; vector control / mitigation measures; assistance regarding personal and mortuary affairs for deceased incident personnel; required initial base-line physical / psychological medical examinations at the incident; required on-going physical / psychological medical monitoring / surveillance at the incident, etc.

(3) Ensure that the condition, location, treatment, prognosis, etc., of sick / injured incident personnel are monitored, documented, evaluated and tracked as they move from point of origin, to one or more care facilities and to the final destination / disposition.

(4) Collect, document, format, analyze, evaluate, secure / safeguard and file / store incident related health and safety data / information regarding injuries, illnesses, fatalities, accidents, CBRN /HazMat exposures, etc.; and, properly disseminate the data / information in compliance with applicable confidentiality / security procedures, policies, rules, regulations, statutes, etc., to the appropriate governmental agencies, non-governmental organizations and private entities / individuals.

**LOGISTICS SECTION CHIEF (continued)**

(5) Ensure post-incident medical physical and psychological health monitoring / surveillance, assessment /evaluation, treatment / counseling and assistance / support is provided when necessary.

(6) Prepare the Medical Plan including ground / air emergency medical transportation; countermeasures regarding actual / potential hazardous, unhealthy and unsafe activities and conditions; medical assistance capabilities at the incident and at appropriate off incident sites; and procedures, treatment / care and resources required to resolve emergency and non-emergency medical problems.

c. Food

(1) Generally not activated in NYC. However, a Food Unit may be activated during an extremely large incident that will continue for a significant period of time.

(2) Responsible for all food and water service / support involving incident personnel at the incident, and when applicable, at appropriate off incident sites including determining required routine and specialized food / water resources, service and support; planning menus; cooking / serving food; dispensing water; maintaining food / water service areas; ensuring food / water safety, health and security measures are implemented; etc.

(3) Manage, control and coordinate the activities, functions and efforts of the General Staff, Command Staff, Primary Agency(ies), Supporting Agency(ies), Coordinating Agency; and, appropriate governmental agencies, non-governmental organizations and private entities / individuals regarding providing food and water resources, service and support to incident personnel at the incident, and when applicable, at appropriate off incident sites.

4. Ensure logistics "Support" functions are properly performed.

a. Supply

(1) Request / order personnel resources. When applicable, personnel resources will be ordered from appropriate off incident sites.

(2) Except for aviation / aircraft resources, request / order, obtain, receive, document, process, provide, distribute, record, safeguard, store, secure, replace, recover, etc., incident related expendable and non-expendable tactical and support non-personnel resources including tools, supplies, vehicles, watercraft and equipment. When applicable, non-personnel resources will be ordered from appropriate off incident sites.

(3) Except for mobile ground equipment, vehicles and aviation / aircraft resources, maintain, service, fuel and repair incident related expendable and non-expendable tactical and support non-personnel resources including tools, supplies, watercraft and equipment.

**LOGISTICS SECTION CHIEF (continued)**

b. Ground Support

(1) Maintain, safeguard, store, secure, service, repair and fuel all mobile ground equipment and vehicles.

(2) Prepare required documentation and records regarding appropriate mobile ground equipment and vehicles at the incident, and when applicable, at appropriate off incident sites.

(3) Provide ground transportation for personnel, supplies, and equipment. When appropriate, maintain a transportation pool consisting of vehicles suitable for transporting personnel, e.g., cars, vans, buses.

(4) Record "usage time", and prepare required maintenance, service and repair records and any other required documentation / records regarding appropriate mobile ground equipment and vehicles at the incident, and when applicable, at appropriate off incident sites.

(5) When necessary, develop and implement the Traffic Plan.

c. Facilities

(1) Activate, maintain and demobilize Incident Facilities except the Helibase(s); Helispot(s); and incident management related airplane, blimp and other aviation / aircraft resource air field(s) not located at a conventional airport. Incident Facilities include:

(a) Incident Command Post.

(b) Staging Area(s).

(c) Operations Section Post.

(d) Intelligence / Investigations Section Post.

(e) Incident Base. Absent extraordinary circumstances an Incident Base will not be activated in NYC. However, an Incident Base might be activated during an extremely large incident that will continue for an extended period of time.

(f) Camp(s). Absent extraordinary circumstances a Camp(s) will not be activated in New York City. However, a Camp(s) might be activated during an extremely large incident that that will require incident personnel to be lodged for an extended period of time in the vicinity of the incident.

(g) Any other facilities situated at the incident, and when applicable, at appropriate off incident sites that will be used for providing food / water, lodging, shower, sanitation, etc., services to incident personnel;

**LOGISTICS SECTION CHIEF (continued)**

(h) Any other facilities situated at the incident, and when applicable, at appropriate off incident sites that will be used for conducting appropriate support and / or service functions and activities, e.g., Mass Care (Triage / Treatment / Transportation), Mass Casualty Management, Mass Fatality Management / Temporary Morgue, Mass Decontamination, Family Assistance.

(2) When appropriate, existing structures in the vicinity of the incident may be used either partially or entirely as Incident Facilities.

5. When necessary, activate or deactivate any of the following Service Units:
   a. Communications Unit
   b. Medical Unit
   c. Food Unit.
6. When necessary, activate or deactivate any of the following Support Units:
   a. Supply Unit
   b. Ground Support Unit
   c. Facilities Unit.
7. When necessary, activate a Support Branch to manage Support Units and / or a Service Branch to manage Service Units at the incident, and when applicable, at appropriate off incident sites.
   a. Assign Branch Directors.
8. Communicate and coordinate with the NYPD Chief of Special Operations, Aviation Unit regarding logistics / support air operations and aviation / aircraft resources.
   a. In NYC, pursuant to CIMS, logistics / support air operations and aviation / aircraft resources are managed and controlled by a NYPD Air Operations Branch Director if an Air Operations Branch has been activated. If an Air Operations Branch has not been activated or there is no NYPD Air Operations Branch Director, than logistics / support air operations and aviation / aircraft resources will be managed and controlled by the:
      (1) NYPD Operations Section chief in a Single Operations Section, or NYPD Agency Operations Section chief in a Unified Operations Section, if the Operations Section has been activated; or,
      (2) NYPD Incident Commander in a Single Command – Command Element, or NYPD Agency Incident Commander in a Unified Command – Command Element, if the Operations Section has not been activated; or,
      (3) NYPD Supporting Agency / Agency Representative if there is no NYPD Incident Commander or NYPD Agency Incident Commander; **and,** no NYPD Operations Section chief or NYPD Agency Operations Section chief.

**LOGISTICS SECTION CHIEF (continued)**

b. Outside of NYC, logistics / support air operations and aviation / aircraft resources are managed and controlled by the:
   (1) Air Support Group Supervisor if an Air Support is activated; or,
   (2) Air Operations Branch Director if the Air Support Group is not activated but an Air Operations Branch is activated; or,
   (3) Operations Section chief if the Air Operations Branch is not activated.

9. Participate in planning meetings when appropriate.
10. Assist in the development of the Incident Action Plan.
    a. When necessary, prepare the Communications Plan, Medical Plan, Traffic Plan and any other required logistics service / support related plans.
    b. Ensure that the logistic service and support aspects of the Incident Action Plan are properly formulated and implemented.
    c. Provide advice to the Planning Section regarding the logistic service and support aspects of the Demobilization Plan.
11. Continually monitor performance, analyze data / information, evaluate incident operations and resources, assess the current situation and evaluate the implementation of the Incident Action Plan.
    a. Provide advice and make appropriate recommendations to the Command Element regarding incident related logistics service and support issues.
    b. Recommend to the Command Element any necessary modifications to the current Incident Action Plan, including Incident Objectives, Strategy, Tactical Direction, tactics, assignments, priorities, resources, incident management operations, logistics service / support activities, communications, etc.
    c. Modifications may be implemented during the current Operational Period or prior to the start of the subsequent Operational Period as appropriate.
12. Continually monitor / evaluate the organizational structure and effectiveness of the Logistics Section, and the performance of the Deputy(ies), Unit Leaders, Managers and assigned personnel.
    a. Make appropriate modifications when necessary.
13. Confer with the Primary Agency(ies), Supporting Agency(ies), Coordinating Agency and other appropriate governmental agencies, non-governmental organizations and private entities / individuals to determine current and estimate / forecast future routine and specialized required logistic service and support at the incident, and when applicable, at appropriate off incident sites.
14. Expeditiously provide routine and specialized required logistic service and support at the incident, and when applicable, at appropriate off incident sites.
15. Prepare and maintain appropriate records, forms, logs, reports, etc., regarding the Logistics Section functions / activities.

**LOGISTICS SECTION CHIEF (continued)**

16. Interact with any position within the incident management organization; however absent emergency circumstances, direction may only be given through the established Chain of Command. Additionally, absent extraordinary circumstances, resource orders / requests and resource status changes must be approved by the appropriate authority and communicated through the established Chain of Command.
17. Designate a Deputy or Deputies when necessary.
    a. The Deputy is the counterpart of the principal. Therefore, the Deputy should have the same qualifications, i.e., knowledge, skills, experience, as the principal; and, must be capable of assuming the principal's position.
    b. The role of the Deputy is flexible and the Deputy may:
        (1) Collect incident related information, monitor performance, evaluate incident operations / resources and communicate with the principal, i.e., be the "eyes and ears" of the principal.
        (2) Make important notifications, e.g., Bureau Chief, Patrol / Detective Borough Commander, Operations Unit, Emergency Operations Center if activated, Area Command if activated.
        (3) Function as a relief.
        (4) Be assigned specific tasks as requested by the principal.
    c. The Deputy may be member of a different Agency / Jurisdiction than the principal. For example, the Deputy may be a member of an Agency / Jurisdiction that:
        (1) Currently has, or after a period of time, may have significant resources involved in the incident management effort; or,
        (2) Currently is, or after a period of time, may be significantly affected by the incident.
18. Develop and implement accountability, safety, health, force protection and security measures for personnel, vehicles, equipment, facilities and other resources.
19. Confer with the Deputy Commissioner, Information Technology, Life – Safety Systems Division, Information Technology Services Division, Communications Division, Communications Section, Electronics Section, Telecommunications Unit, Technical Assistance and Response Unit, Counterterrorism Bureau, other appropriate NYPD Units; and, any appropriate governmental agencies, non-governmental organizations and / or private entities / individuals regarding communications functions and activities.
20. Ensure effective and efficient communications service and support is provided, i.e., voice / audio, data, image, text, at the incident, and when applicable, at appropriate off incident sites:
    a. Provide necessary analog and digital, and mobile / wireless and wire / landline, communications devices, equipment, systems and networks, i.e., voice / audio, data, image, text.
    b. Prepare the Communications Plan
        (1) Depending upon the circumstances, the Communications Plan may be verbal or written.

**LOGISTICS SECTION CHIEF (continued)**

c. When necessary, request the activation of a "Dual Dispatch System" and confer with the Communications Section supervisor regarding the appropriate notification protocols.
   (1) A Dual Dispatch System involves the routing of calls for service at the incident to incident personnel if it is high priority and to non incident personnel, i.e., precinct personnel, if it is low priority.

d. Ensure that the Communications Section Platoon Commander is notified regarding all Emergency Public Information and all recommended public health, safety and security related protective measures, e.g., evacuate, shelter in place, change clothes, wash, etc.; and, any other information that would be vital to disseminate to 911 callers, 311 callers, involved individuals, incident personnel, governmental agencies, non-governmental organizations and / or private entities / individuals.

e. Ensure borrowed or issued equipment / devices are returned at the appropriate time.

f. Confer with Deputy Commissioner, Information Technology, Life – Safety Systems Division, Information Technology Services Division, Communications Division, Communications Section, Electronics Section, Telecommunications Unit, Technical Assistance and Response Unit, Counterterrorism Bureau, other appropriate NYPD Units; and, any appropriate governmental agencies, non-governmental organizations and / or private entities / individuals regarding:
   (1) Required incident related communications service and / or support, e.g., Cell-on-Wheels (COW), priority cellular phones.
   (2) Any other appropriate voice / audio, image, text or data communications technical and / or non-technical needs, requirements, information, procedures, functions, issues, suggestions, problems, etc.

21. When appropriate, activate, operate and supervise the Incident Communications Center.

a. The Incident Communications Center is used solely by resources at the incident, and when applicable, at appropriate off incident sites.

b. The Message Center is a component of and is co-located with the Incident Communications Center.

c. An Incident Dispatcher will be assigned and will be responsible for:
   (1) Assigning / dispatching resources at the incident, and when applicable, at appropriate off incident sites; and,
   (2) Receiving and transmitting radio, telephone, facsimile, computer, etc., messages; and,
   (3) Providing analog and digital, and mobile / wireless and wire / landline voice / audio, image, data, text, etc. communications service / support; and,
   (4) Providing other required incident dispatch services.

**LOGISTICS SECTION CHIEF (continued)**

d. If established, the Incident Communications Center should be located at the Incident Command Post.

22. Ensure that all requested resources respond promptly to the appropriate location. If requested resources have not promptly responded notify:
    a. Patrol Borough Office, Borough of occurrence when appropriate.
    b. Operations Unit.
    c. NYPD Emergency Operations Center if activated.

23. Select an appropriate location to establish the Logistics Section.
    a. Absent unusual circumstances, the Logistics Section will be located at the Incident Command Post.
    b. Outside of NYC, the Logistics Section is usually located at the Incident Base. However, absent extraordinary circumstances an Incident Base will not be established in NYC.

NYPD

**PURPOSE** To outline the duties of the Finance / Administration Section chief in CIMS.

**PROCEDURE** Upon arriving at the scene of an incident, the responsibilities of the Finance / Administration Section chief are:

**FINANCE / ADMINISTRATION SECTION CHIEF**

1. Assume command as the Finance / Administration Section chief as part of the Incident Management Team; and, manage all financial and administrative activities.
   a. The Finance / Administration function may be performed by a Technical Specialist assigned to the Planning Section instead of activating the Finance / Administration Section, if minimal Finance / Administration activity is required, e.g., tracking overtime costs and ensuring overtime is properly coded.
2. Collect, process, organize, analyze, evaluate, record, monitor, prepare summaries, display and disseminate financial, administrative, time, overtime, personnel records, procurement, contract / agreement obligation, compensation / claims and cost related information, statistics and data as needed.
3. When necessary, identify current and estimate / forecast future incident related financial, administrative, time, overtime, personnel records, procurement, contract / agreement obligation, compensation / claims and cost related requirements, issues, needs, problems, advantages, etc.
4. Manage the "Compensation for Injury" function involving all financial and administrative activities regarding incident related injuries, illnesses and / or deaths of incident personnel.
5. Manage the "Claims" function involving all financial and administrative activities regarding incident related damage to property owned, rented, leased, etc., by a Primary Agency(ies), a Supporting Agency(ies), Coordinating Agency and / or other governmental agency, non-governmental organization or private entity / individual involved in incident management operations, functions or activities.
6. Ensure proper and expeditious preparation, collection, processing and transmittal of incident related personnel time and overtime records.
7. Ensure proper overtime codes are being used by incident personnel.
8. When necessary, ensure proper preparation, maintenance and transmittal of applicable "personnel records" for incident personnel.
9. When appropriate, establish and operate an incident Commissary and designate a Commissary Manager.
10. Ensure that required resources are efficiently and expeditiously procured and manage all procurement related activities.
11. Manage all financial and administrative activities related to:
    a. Vendor contracts, obligations, leases, rental agreements, and other financial or administrative agreements.

INTERNET

**FINANCE / ADMINISTRATION SECTION CHIEF (continued)**

b. Inter-agency and inter-jurisdictional Memoranda of Understanding, Mutual Aid Agreements, Memoranda of Agreement and other compacts, agreements, obligations, grants, contracts, etc.

12. Record equipment "usage time," and costs involving equipment, fuel, parts, maintenance, service, repairs, etc.
13. Ensure all incident related contract / agreement obligation documents are properly prepared, approved, and executed.
14. Participate in planning meetings when appropriate.
15. Assist in the development of the Incident Action Plan.
    a. Prepare any required financial / administrative related plans.
    b. Ensure that the financial and administrative aspects of the Incident Action Plan are properly formulated and implemented.
    c. Provide advice to the Planning Section regarding the financial and administrative aspects of the Demobilization Plan.
16. Continually monitor performance, analyze data / information, evaluate incident operations and resources, assess the current situation and evaluate the implementation of the Incident Action Plan.
    a. Provide advice and make appropriate recommendations to the Command Element regarding incident related financial and administrative issues.
    b. Recommend to the Command Element any necessary modifications to the current Incident Action Plan, including Incident Objectives, Strategy, Tactical Direction, tactics, assignments, priorities, resources, incident management operations, communications, financial and administrative activity.
    c. Modifications may be implemented during the current Operational Period or prior to the start of the subsequent Operational Period as appropriate.
17. Continually monitor / evaluate the organizational structure and effectiveness of the Finance / Administration Section, and the performance of the Deputy(ies), Unit Leaders, Managers and assigned personnel.
    a. Make appropriate modifications when necessary.
18. Develop and implement accountability, safety, health, force protection and security measures for personnel, vehicles, equipment, facilities and other resources.
19. Meet with each Supporting Agency / Agency Representative when necessary; and comply with each Supporting Agencies':
    a. Time, overtime, personnel records and other related financial and administrative policies and procedures.
    b. Equipment usage and other applicable equipment records/ documentation related financial and administrative policies and procedures.
    c. Compensation for injury and property claims related financial and administrative policies and procedures.
    d. Procurement and contract / agreement obligation related financial and administrative policies and procedures.

**FINANCE / ADMINISTRATION SECTION CHIEF (continued)**

e. Cost related financial and administrative policies and procedures.

f. Applicable and appropriate financial and administrative policies and procedures.

20. Confer with the Planning Section and Logistics Section to ensure that operational records are consistent with related financial and administrative records.

21. When necessary, collect, process, organize, evaluate, analyze, record, monitor, prepare summaries, display and disseminate appropriate incident related cost information, statistics and data.

22. When necessary, monitor costs to ensure compliance with applicable statutes, regulations, contracts, memoranda of understanding, grants, mutual aid agreements, etc.

23. When necessary, ensure that all activities involving financial reimbursements / obligations to and financial support / funds from one or more governmental agencies, non-governmental organizations and private entities / individuals are properly managed.

24. When necessary, provide immediate and contemporaneous, i.e., "real-time," monitoring of designated incident costs in order to determine any required additional funds that must be obtained in order to avoid adversely affecting overall or specific incident management operations, functions or activities.

25. Determine the current and estimate / forecast future incident related costs when requested.

26. If possible, identify current and future cost saving measures.

27. Interact with any position within the incident management organization; however absent emergency circumstances, direction may only be given through the established Chain of Command. Additionally, absent extraordinary circumstances, resource orders / requests and resource *status* changes must be approved by the appropriate authority and communicated through the established Chain of Command.

28. Prepare and maintain appropriate records, forms, logs, reports, etc., regarding the Finance / Administration Section functions / activities.

29. When necessary, confer with appropriate Agency / Headquarters finance / administrative personnel regarding incident related financial, administrative, procurement, contract / agreement obligation, time, overtime, personnel records, cost and compensation / claims information, data, problems, needs, requirements, issues, etc.

30. Select appropriate location for Finance / Administration Section.

a. Finance / Administration Section may be located at the Incident Command Post; or,

b. Finance / Administration Section may be situated at an off incident site, e.g., NYPD Headquarters – Office of the Deputy Commissioner Management and Budget, NYPD Operations Unit, NYPD Emergency Operations Center if activated.

**FINANCE / ADMINISTRATION SECTION CHIEF (continued)**

31. Designate a Deputy or Deputies when necessary.
    a. The Deputy is the counterpart of the principal. Therefore, the Deputy should have the same qualifications, i.e., knowledge, skills, experience, as the principal; and, must be capable of assuming the principal's position.
    b. The role of the Deputy is flexible and the Deputy may:
        (1) Collect incident related information, monitor performance, evaluate incident operations / resources and communicate with the principal, i.e., be the "eyes and ears" of the principal.
        (2) Make important notifications, e.g., Bureau Chief, Patrol / Detective Borough Commander, Operations Unit, Emergency Operations Center if activated, Area Command if activated.
        (3) Function as a relief.
        (4) Be assigned specific tasks as requested by the principal.
    c. The Deputy may be a member of a different Agency / Jurisdiction than the principal. For example, the Deputy may be a member of an Agency / Jurisdiction that:
        (1) Currently has, or after a period of time, may have significant resources involved in the incident management effort; or,
        (2) Currently is, or after a period of time, may be significantly affected by the incident.
32. Determine whether to activate or deactivate a Unit within the Finance / Administration Section. If a Unit is not activated or is deactivated, the Finance / Administration Section chief is responsible for performing / managing that Unit's functions.
    a. The number of personnel assigned to a particular Unit will be determined by the Finance / Administration Section chief after conferring with the Command Element, and will depend upon the nature, size, complexity, location, duration, etc., of the incident.
33. When necessary, activate or deactivate any of the following Units:
    a. Time Unit
    b. Procurement Unit
    c. Compensation / Claims Unit
    d. Cost Unit.

***ADDITIONAL DATA***

*If there is a Single Command – Command Element, the Incident Commander will designate the one Finance / Administration Section chief. When the NYPD is the Primary Agency in a Single Command - Command Element, if the Finance / Administration Section is activated, absent unusual circumstances, the Incident Commander will have a member of the NYPD designated as the Finance / Administration Section chief; or if that is not possible, designated as a Deputy to a non-NYPD Finance / Administration Section chief. Whenever possible, the Incident Commander should designate a member of service assigned to the Office of the Deputy Commissioner, Management and Budget to perform the functions of the Finance / Administration Section chief; or if that is not possible, to perform the functions of a Deputy to a non-NYPD Finance / Administration Section chief.*

***ADDITIONAL DATA (continued)***

*If there is a Unified Command – Command Element, all of the Agency Incident Commanders will jointly designate the one Finance / Administration Section chief. When the NYPD is one of the one Primary Agencies in a Unified Command – Command Element, if the Finance / Administration Section chief position is activated, absent unusual circumstances, the NYPD Agency Incident Commander should make every effort to have a member of the NYPD designated as the Finance / Administration Section chief; or if that is not possible, designated as a Deputy to a non-NYPD Finance / Administration Section chief. Whenever possible, the NYPD Agency Incident Commander should designate a member of service assigned to the Office of the Deputy Commissioner, Management and Budget to perform the functions of the Finance / Administration Section chief; or if that is not possible, to perform the functions of a Deputy to a non-NYPD Finance / Administration Section chief.*

NYPD

**SCOPE**

ORGANIZATION OF INTELLIGENCE / INVESTIGATIVE FUNCTIONS

The investigative and intelligence aspects of incident management are significantly different from the tactical aspects and are not adequately addressed by the traditional Incident Command System (ICS) organizational model. Therefore, when there is a considerable investigative or intelligence component to the management or resolution of an incident, the Command Element should activate an Intelligence / Investigations Section as part of the General Staff.

In unusual situations, when the Intelligence / Investigations function is not a considerable component of the management or resolution of an incident, it may be organized as a Branch or Group within the Operations Section rather than as a separate General Staff Section. In extremely unusual situations when the Intelligence / Investigations function is minimal, it may be organized as a Command Staff position or Planning Section / Situation Unit function.

**The Intelligence / Investigations function should be organized as a Section when the NYPD is the Primary Agency in a Single Command – Command Element, or when the NYPD is one of the Primary Agencies in a Unified Command – Command Element.**

**PURPOSE**

To outline the duties of the Intelligence / Investigations Section chief in CIMS.

**PROCEDURE**

Upon arriving at the scene of an incident, the responsibilities of the Intelligence / Investigations Section chief are:

**INTELLIGENCE / INVESTIGATIONS SECTION CHIEF**

1. Assume command as the Intelligence / Investigations Section chief as part of the Incident Management Team; and, manage investigative and intelligence operations.
2. Establish the Intelligence / Investigations Section Post at an appropriate location.
   a. The Intelligence / Investigations Section Post is the location where the Intelligence / Investigations Section chief, Deputy(ies) and appropriate staff will remain and manage / direct all of the intelligence and investigative functions, operations and activities.
   b. The Intelligence / Investigations Section Post generally will not be co-located with the Operations Section Post or the Incident Command Post. The Intelligence / Investigations Section Post will be established at a secure location within a reasonable distance from the Operations Section Post and the Incident Command Post.

**INTELLIGENCE / INVESTIGATIONS SECTION CHIEF (continued)**

c. Choose a location that is a reasonable and appropriate distance from the incident; and, will provide for safety, health, security and force protection; and, will provide easy and expeditious access and egress; and, is sufficiently large and will allow for expansion; and, will permit continuous operations; and, will provide adequate workspace and utility / communications service. Generally, the Intelligence / Investigations Section Post will be located within the Site Access Control / Outer Perimeter.

d. If necessary, the Intelligence / Investigations Section Post may be relocated.

e. The Intelligence / Investigations Section Post can be any type of facility that is available and appropriate, e.g., vehicle, trailer, tent, open area, room in a building.

f. Ensure that adequate safety, health, security and force protection measures are implemented.

3. Ensure appropriate investigative techniques are utilized.

4. Ensure assigned investigative leads / tasks are properly recorded.

5. Ensure assigned investigative leads / tasks are properly performed.

6. Ensure all appropriate follow-up actions are promptly identified, assigned, recorded and properly performed.

7. Ensure Investigative Scenes and Crime Scenes are identified, secured and processed.

a. Determine the number, location, size, boundaries, configuration, etc., of the Crime Scenes and / or Investigative Scenes. The size of the Crime Scenes and / or Investigative Scenes will depend upon the circumstances of the incident. However, initially the size of the Crime Scenes and/ or Investigative Scenes should be large, and as time progresses and additional facts are discovered they may be reduced in size.

b. In order to minimize / avoid the alteration, loss, contamination, degradation, destruction, etc., of physical evidence, ensure access to the Crime Scenes, and if applicable, the Investigative Scenes, are strictly controlled. Absent extraordinary circumstances and /or circumstances involving the life or safety of involved persons or the public, only appropriately trained and equipped personnel who are involved in the investigation of the incident and have an absolute need to enter will be allowed access within the Crime Scenes, and if applicable, the Investigative Scenes. Civilians and personnel representing involved governmental agencies, non-governmental organizations and private entities / individuals who are unauthorized or unnecessary, including unnecessary NYPD personnel, will not be allowed access within the Crime Scenes, and if applicable, the Investigative Scenes.

c. When appropriate authorize the release and relinquishment of control of the Crime Scenes and / or Investigative Scenes.

**INTELLIGENCE / INVESTIGATIONS SECTION CHIEF (continued)**

8. Ensure forensic evidence and conventional, analog and / or digital investigative evidence (documents / text, images / photos, audio, data) are properly and expeditiously collected, vouchered and analyzed / examined.
9. Ensure all investigative activity associated with telephone, computer and other types of electronic communications is properly performed.
10. Ensure intelligence information is collected in a timely manner.
11. Ensure threat information is expeditiously identified, processed, analyzed, evaluated, documented and disseminated to the Command Element, Operations Section, and appropriate Command Staff positions, General Staff Sections, governmental agencies, non-governmental organizations, private entities / individuals.
    a. Recommend appropriate alerting or non-alerting prevention, interdiction, disruption, denial, etc., countermeasures / techniques to the Command Element and Operations Section.
12. Ensure investigative and intelligence information is processed, organized, analyzed, evaluated, documented and appropriately disseminated.
    a. Implement procedures, plans, activities, etc., to ensure:
        (1) Classified information is:
            (a) Appropriately transmitted, received, documented, recorded, safeguarded, filed, maintained, secured, stored, etc.; and,
            (b) Communicated to and received by personnel specifically selected by the Command Element who have the appropriate "clearance level" / "access", i.e., Top Secret, Secret, SCI, and authorization, i.e., "need to know."
        (2) Information that is restricted unclassified information, e.g., Law Enforcement Sensitive (LES), Official Use Only (OUO), Sensitive But Unclassified (SBU), personal, originator controlled, export controlled, personnel related, proprietary, etc., is:
            (a) Appropriately transmitted, received, documented, recorded, safeguarded, filed, maintained, secured, stored, etc.; and,
            (b) Communicated to and received by appropriate authorized personnel.
    b. Confer with the Command Element and, when appropriate, the Planning Section, regarding the development, implementation and management of intelligence / information / data security and operational security procedures, plans, activities, etc.
13. Ensure intelligence and investigative information is processed, documented, organized, recorded, summarized, presented and displayed in a manner that allows it to be easily visualized, analyzed, evaluated and understood, e.g., link analysis charts, organization / hierarchy charts, matrices, spreadsheets, maps, images / photos, charts, timelines, etc.

**INTELLIGENCE / INVESTIGATIONS SECTION CHIEF (continued)**

14. Ensure all investigative activity associated with missing persons, unidentified aided persons and human remains is properly performed.
15. Ensure all operational and support resources are being efficiently and effectively utilized.
16. Ensure required legal advice, services and process, e.g., warrants, subpoenas, court orders, etc., are expeditiously obtained.
17. Ensure a chronological account of the significant investigative and, when appropriate, intelligence information, actions and results, is appropriately recorded, documented and displayed.
    a. Confer and coordinate with the Planning Section.
18. Develop and implement accountability, safety, health, force protection and security measures for personnel, vehicles, equipment, facilities and other resources.
19. Interact with any position within the incident management organization; however absent emergency circumstances, direction may only be given through the established Chain of Command. Additionally, absent extraordinary circumstances, resource orders / requests and resource *status* changes must be approved by the appropriate authority and communicated through the established Chain of Command.
20. Ensure appropriate records, forms, logs, reports, etc., regarding the Intelligence / Investigations Section functions / activities are properly prepared and maintained.
21. Ensure appropriate investigative and intelligence information is expeditiously communicated to the Command Element, Operations Section, Planning Section / Situation Unit and any other appropriate General Staff Sections and Command Staff positions:
    a. When the Intelligence / Investigations Section is activated, a member of the Operations Section should be assigned to the Intelligence / Investigations Section Post to act as a liaison; and, a member of the Intelligence / Investigations Section should be assigned to the Operations Section Post to act as a liaison.
    b. Depending upon the significance of the intelligence / investigative component of the incident and after conferral with the Operations Section chief, the member of the Operations Section assigned to the Intelligence / Investigations Section Post and the member of the Intelligence / Investigations Section assigned to the Operations Section Post to act as liaisons may be supervisors.
22. Direct and coordinate investigative and intelligence operations, functions and activities regarding all involved governmental agencies, non-governmental organizations and private entities / individuals, e.g., FBI, USSS, ATF, ICE, Customs and Border Patrol, US Park Police, US Postal Inspection Service, National Transportation Safety Board, Coast Guard, US DOD police / investigators, NYS Police, NYS DEC, MTAPD, PAPD, FDNY Fire Marshals, NYC DEP, NYC DPR Urban Park Service, NYC DS Police, NYC DOC, NYC DOHMH Epidemiologists, NYC Health and Hospitals Corporation security, private security, private investigators.

**INTELLIGENCE / INVESTIGATIONS SECTION CHIEF (continued)**

23. Ensure investigative and intelligence activity is coordinated with the appropriate Command Staff positions and General Staff Sections.
    a. In particular, maintain close liaison, frequently communicate and continually coordinate tactical investigative and intelligence activity with the Operations Section, e.g., warrant executions, arrests, evidence searches / seizures, physical surveillance, electronic surveillance, surreptitious entries, non-alerting / ruse detentions, confidential informant / undercover operations, etc.
24. Participate in planning meetings when appropriate.
25. Assist in the development of the Incident Action Plan.
    a. Ensure that Investigative / Intelligence Operations and considerations, particularly those involving the processing of Crime Scenes and Investigative Scenes, are included in the Incident Objectives.
    b. Prepare the Intelligence / Investigations Plan and any other required intelligence / investigations related plans.
    c. Ensure that the intelligence and investigative aspects of the Incident Action Plan are properly formulated and implemented.
    d. Provide advice to the Planning Section regarding the investigative and intelligence aspects of the Demobilization Plan.
26. Continually monitor performance, analyze data / information, evaluate operations and resources, assess the current situation and evaluate the implementation of the Incident Action Plan.
    a. Provide advice and make appropriate recommendations to the Command Element regarding incident related intelligence and investigative issues.
    b. Recommend to the Command Element any necessary modifications to the current Incident Action Plan, including Incident Objectives, Strategies, Tactical Direction, tactics, assignments, priorities, resources, incident management operations, communications, Investigative / Intelligence Operations, etc.
    c. Modifications may be implemented during the current Operational Period or prior to the start of the subsequent Operational Period as appropriate.
27. Continually monitor / evaluate the organizational structure and effectiveness of the Intelligence / Investigations Section, and the performance of the Deputy(ies), Group Supervisors and assigned personnel.
    a. Make appropriate modifications when necessary.
28. Designate a Deputy or Deputies when necessary.
    a. The Deputy is the counterpart of the principal. Therefore, the Deputy should have the same qualifications, i.e., knowledge, skills, experience, as the principal; and, must be capable of assuming the principal's position.
    b. The role of the Deputy is flexible and the Deputy may:
        (1) Collect incident related information, monitor performance, evaluate incident operations / resources and communicate with the principal, i.e., be the "eyes and ears" of the principal.

**INTELLIGENCE / INVESTIGATIONS SECTION CHIEF (continued)**

(2) Make important notifications, e.g., Bureau Chief, Patrol / Detective Borough Commander, Operations Unit, Emergency Operations Center if activated, Area Command if activated.

(3) Function as a relief.

(4) Be assigned specific tasks as requested by the principal.

c. The Deputy may be member of a different Agency / Jurisdiction than the principal. For example, the Deputy may be a member of an Agency / Jurisdiction that:

(1) Currently has, or after a period of time, may have significant resources involved in the incident management effort; or,

(2) Currently is, or after a period of time, may be significantly affected by the incident.

29. Determine whether to activate or deactivate a Group within the Intelligence / Investigations Section. If a Group is not activated or is deactivated, the Intelligence / Investigations Section chief is responsible for performing / managing that Group's functions.

a. The number of personnel assigned to a particular Group will be determined by the Intelligence / Investigations Section chief after conferring with the Command Element, and will depend upon the nature, size, complexity, location, duration, etc., of the incident.

30. When necessary, activate or deactivate the following Groups.

a. Investigative Operations Group
b. Intelligence Group
c. Forensic Group
d. Electronic Communications, Surveillance and Evidence Group
e. Missing / Unidentified Persons and Human Remains Group
f. Investigative Support Group

***ADDITIONAL DATA***

*Depending upon the circumstances, personnel assigned to the Intelligence / Investigations Section may utilize some or all of the following investigative techniques:*

*a. Conduct canvasses, technical and non-technical.*
*b. Perform interviews and interrogations.*
*c. Process Crime Scenes and Investigative Scenes.*
*d. Collect, voucher and examine / analyze forensic evidence and conventional, analog and / or digital investigative evidence (documents / text, images / photos, audio, data.)*
*e. Collect, process and analyze intelligence, i.e., unclassified, classified, open source.*
*f. Conduct physical and electronic surveillance.*
*g. Conduct searches and seizures.*
*h. Conduct apprehensions.*
*i. Conduct alerting and non-alerting stops / detentions.*
*j. Request directed enforcement operations, e.g., criminal, regulatory, civil, parole, probation.*
*k. Conduct identification procedures, i.e., lineups, photo arrays, PhotoManager photos.*

***ADDITIONAL DATA (continued)***

*l. Query Databases / Records.*

*m. Obtain, analyze and exploit telephone, computer and other types of electronic communications information / records, both historical and real time.*

*n. Utilize mail covers and trash covers.*

*o. Obtain and examine relevant records maintained by the NYPD and other governmental agencies, non-governmental organizations and private entitles/individuals (e.g., 911 tapes, 311 tapes, Communications Division tapes, ICAD Event Information reports, Investigative Case folders, Administrative Case folders, DMV photos).*

*p. Debrief prisoners.*

*q. Conduct undercover and confidential informant operations.*

*r. Utilize appropriate event / timeline reconstruction techniques.*

*s. Perform behavioral analysis and psychological profiling.*

*t. Conduct financial analyses.*

*u. When necessary, disseminate appropriate investigative information to other law enforcement agencies, the media and the public.*

*v. Utilize public "Hotlines / Tiplines."*

*w. Utilize polygraph examinations.*

*<u>INVESTIGATIVE SCENES AND CRIME SCENES</u>*

*An Investigative Scene is an area or areas where investigative information may be obtained by identifying / interviewing witnesses; performing canvasses; examining conventional, analog and digital documents / text, images / photos, audio and / or data; performing identification techniques; etc.*

*A Crime Scene is an area or areas that contain physical evidence that may have forensic, investigative, demonstrative or other probative value.*

*Crime Scenes and Investigative Scenes include:*

*a. "Body Collection Points" where human remains are gathered for investigative and forensic evidence processing.*

*b. "Casualty Collection Points" where ill / injured individuals are gathered for triage, emergency treatment, and transportation to the hospital.*

*c. Decontamination areas where individuals are decontaminated using mass / gross, technical, emergency, etc., decontamination procedures.*

*d. Areas where forensic evidence or conventional, analog and / or digital investigative evidence (documents / text, images / photos, audio, data) is collected, processed, examined / analyzed, stored , safeguarded, etc.*

*All personnel assigned to the governmental agencies, non-governmental organizations and private entities / individuals involved in incident management activities are responsible for avoiding or minimizing disturbance of Investigative / Intelligence Operations, particularly the processing of Crime Scenes and Investigative Scenes. Individuals who are unauthorized or unnecessary, including unnecessary NYPD personnel, will not be allowed access within the Investigative Scene(s) and / or Crime Scene(s).*

**PURPOSE** To understand the roles of a Supporting Agency / Agency Representative in CIMS.

**DEFINITIONS** SUPPORTING AGENCY - a governmental agency, non-governmental organization, and / or private entity whose resources, i.e., personnel, vehicles, equipment, subject matter expertise, etc., are deployed to an incident to support incident operations, and to assist the Primary Agency(ies) successfully resolve the incident. A Supporting Agency assists the Primary Agency(ies) accomplish the Incident Objectives by providing resources to the incident management efforts.

A Supporting Agency is not a Primary Agency in a Single Command – Command Element; nor is it one of the Primary Agencies in a Unified Command - Command Element. However, each Supporting Agency retains responsibility for it's resources; and retains its' jurisdictional, legal, functional, administrative, etc., authority.

There are two types of Supporting Agencies:

a. ASSISTING AGENCY - an Agency providing personnel, services or other resources to the Agency with direct responsibility for incident management; and / or, an Agency directly contributing tactical or service resources to another Agency, e.g., NYPD, FDNY, EMS, DSNY, DEP.

b. COOPERATING AGENCY - an Agency that supports the incident management efforts by providing assistance other than tactical resources; and / or, an Agency that supplies assistance other than direct operational or support functions or resources to the incident management efforts, e.g., Salvation Army, American Red Cross.

SUPPORTING AGENCY / AGENCY REPRESENTATIVE - each Supporting Agency will designate a "Supporting Agency / Agency Representative." A Supporting Agency / Agency Representative is an individual who has been given authority by the Supporting Agency to make decisions on matters affecting that Agency's efforts to assist the Command Element successfully resolve the incident. The Supporting Agency / Agency Representative must have the authority to make decisions, give direction and commit resources on behalf of their Supporting Agency. The Supporting Agency / Agency Representative is **not** a member of the Command Element.

**PROCEDURE** Upon arriving at the scene of an incident, the responsibilities of the Supporting Agency / Agency Representative are:

**SUPPORTING AGENCY/ AGENCY REPRESENTATIVE**

1. Assume the position of Supporting Agency / Agency Representative; and, report to the Liaison officer, or if not activated, the Command Element and obtain briefing.

**SUPPORTING AGENCY/ AGENCY REPRESENTATIVE (continued)**

2. Ensure all Supporting Agency resources have completed *Check-In* at the appropriate location(s).
3. Inform Supporting Agency personnel assigned to the incident that a Supporting Agency / Agency Representative has been designated; and, identify self as the designated Supporting Agency/ Agency Representative.
4. Attend planning meetings when appropriate; and, when applicable, assist in the development of the Incident Action Plan.
5. Inform the Liaison officer, or if not activated, the Command Element of current, anticipated or potential inter-organizational or inter-agency issues, problems, conflicts, etc.
6. Cooperate with the Command Element, Command Staff and General Staff regarding Supporting Agency involvement at the incident.
7. Assist the Primary Agency(ies) regarding the implementation of the Incident Action Plan.
8. Ensure accountability, safety, health, force protection and security measures are developed and implemented for personnel, vehicles, equipment, facilities, and other Supporting Agency resources assigned to the incident.
9. Inform the Liaison officer, or if not activated, the Command Element, of any special Supporting Agency specific needs, requirements, restrictions, limitations, etc.
10. Absent unusual circumstances, establish a work location at or in the vicinity of the Incident Command Post.
11. Inform the Liaison officer regarding:
    a. Current *status* of the Supporting Agencies' resources,
    b. Current number, *Kind*, *Type*, capabilities, limitations, etc., of the Supporting Agencies' resources,
    c. Availability of the Supporting Agencies' resources regarding current, anticipated or potential resource requests.
12. Report to the Supporting Agency Dispatcher and / or Headquarters on a pre-arranged schedule.
13. Ensure all required Supporting Agency records, forms, logs, reports, and documents are properly prepared.
14. When demobilization occurs, ensure:
    a. All of the Supporting Agencies' resources are properly accounted for and released.
    b. All incident related operations, assignments, tasks, etc., have been completed.
    c. All incident related logistics service and support functions and activities have been completed.
    d. All required incident related records, forms, logs, reports and other administrative activity have been completed.
    e. All borrowed equipment is returned to the appropriate location/Unit.
15. Attend debriefing session with the Liaison officer, or if not activated, the Command Element, prior to departure from the incident due to reassignment, end of tour, demobilization, etc.

**PURPOSE** To understand the role of the Coordinating Agency in CIMS.

**SCOPE** The New York City Office of Emergency Management (OEM) is the designated Coordinating Agency. OEM may respond to multi-agency incidents and participate in a Unified Command or Single Command incident management organization.

**PROCEDURE** At multi-agency incidents OEM will:

**OFFICE OF EMERGENCY MANAGEMENT**

1. Ensure a CIMS incident management organization is implemented.
2. Coordinate resources supplied by Agencies involved in incident related response and recovery operations, functions and activities.
3. Provide information to the OEM Emergency Operations Center and to the Mayor.
4. Support logistics and communications needs.
5. Obtain subject matter expertise.
6. Facilitate transition of command.
7. Facilitate resolution of interagency differences.
8. Coordinate and support Recovery / Restoration Operations.

***ADDITIONAL DATA***

***DO NOT wait for a representative from OEM to arrive at the incident site to begin inter-agency coordination***.

*In complex incidents where the Primary Agency designation is unclear, or the incident is not listed in the Primary Agency Matrix, or the Primary Agency designation changes as some or all of the Incident Objectives are achieved, OEM, based upon the CIMS Protocol, will identify the appropriate Primary Agency or Agencies.*

NYPD

| Section: Citywide Incident Management | | Procedure No: 220-16 | |
|---|---|---|---|
| **CIMS: INTEGRATED COMMUNICATIONS** | | | |
| DATE ISSUED: 08/01/13 | DATE EFFECTIVE: 08/01/13 | REVISION NUMBER: | PAGE: 1 of 2 |

**PURPOSE** To ensure proper communications integration takes place between this Department and other agencies at an incident.

**SCOPE** Effective, efficient, integrated communications are essential in order to successfully resolve emergency incidents. Agencies participating in emergency response in New York City have implemented several procedural and technological measures to ensure that effective, efficient and integrated on-scene inter-agency communications can be achieved. Agencies will continue to evaluate communications best practices and evolving voice, image, text and data communications technologies to improve tactical and citywide inter-agency communications.

**MEASURES**

**Procedural Measures**

1. Ensuring that all ranking Agency members manage the incident from one single Incident Command Post;
2. Ensuring that Agency personnel operating at an incident use clear text for inter-agency communications, i.e., no agency-specific codes or jargon; and, communicate using standard CIMS terminology;
3. Ensuring that all incident personnel observe strict radio / telephone communications discipline and limit communications to essential information only;
4. Establishing criteria for implementing Borough / Citywide "repeated" interoperable radio frequencies and tactical "point-to-point" interoperable radio frequencies for coordination at the incident scene.

**Technological Measures**

1. Ensuring that all Agencies participating in emergency responses in NYC may utilize the NYC Agencies' Citywide "repeated" interoperable 800 MHz radio frequency;
2. Ensuring that first responder Agencies have other first responder Agencies' Borough / Citywide "repeated" interoperable radio frequencies in their command vehicles and their aviation and marine assets; and, that the Borough / Citywide "repeated" interoperable radio frequencies are appropriately utilized.
3. Utilizing tactical "point-to-point" interoperable radio frequencies for coordination at the incident scene; and
4. Deploying radio / mobile phone interconnect systems to incidents requiring additional support to ensure interoperable / shared communications.

**MEASURES (continued)**

**Communications Plan**

The Command Element will implement a Communications Plan that will identify the tactical "point-to-point" interoperable radio frequencies and Borough / Citywide "repeated" interoperable radio frequencies that will be used to manage the incident. The plan may be written or verbal depending upon the nature, location, size, complexity and duration of the incident.

The Communications Plan will be part of the Incident Action Plan for each Operational Period and will be disseminated / distributed to all Agencies participating in the response. When applicable, CIMS ICS form 205 may be used to assist in the formulation of the Communications Plan.

NYPD

**PURPOSE** To describe the formal Transfer of Command process at an incident.

**PROCEDURE** Upon arriving at the scene of an incident, the ranking member of the service will either:

**RANKING MEMBER OF THE SERVICE**

1. Assume command if there is no Command Element; or,
2. Assume command from the current Command Element; or,
3. Make no change regarding the current Command Element; or,
4. Designate a third party to assume command from the current Command Element

***NOTE*** *When there is a change in the Command Element, there must be a formal Transfer of Command process.*

**TRANSFER OF COMMAND**

5. "*Transfer of Command*" may take place:
   a. When a higher ranking person arrives at the scene and elects or has been appropriately designated to assume command. This is often associated with an expanding incident that recently occurred and is still in its initial stages of development. In this situation, because of the outgoing Command Element's specific knowledge / experience regarding the incident, the incoming Command Element may assign the outgoing Command Element to perform / manage a different incident related function, e.g., Operations Section chief.
   b. By transferring command to a less senior or less experienced person when an incident is stabilized, or has been reduced in size or severity, or is close to final mitigation, or will demobilize after a short period of time.
   c. When needed because personnel have been appropriately designated to assume command for a new Operational Period(s).
   d. To allow the Command Element to be dismissed at the end of the designated tour.
6. Over the course of an incident, as emergency conditions change or Incident Objectives are completed, the Primary Agency designation may also change and there may be a *Transfer of Command* from one or more Primary Agencies to a different Primary Agency or Agencies. The Primary Agency Matrix will be used to identify the appropriate Agency or Agencies to which command will be transferred.
7. *Transfer of Command* also involves the replacement of the General Staff Section chiefs and Command Staff officers, e.g., Operations Section chief, Planning Section chief, Public Information officer.

**TRANSFER OF COMMAND (continued)**

**Transfer of Command Process**

8. The *Transfer of Command* process must include a briefing that captures all of the essential information required to ensure continuing effective and efficient command. This information should be recorded and displayed for easy retrieval and subsequent briefings.
9. A *Transfer of Command* checklist should be used and it should include at least the following:
   a. Has an appropriate CIMS incident management organization been implemented, and is appropriate CIMS terminology being used at the incident?
   b. Has one single Incident Command Post been established?
   c. If possible, will *Transfer of Command* take place face-to-face?
   d. If possible, will the incoming Command Element personally perform a detailed assessment of the incident situation with the outgoing Command Element?
   e. Will the outgoing Command Element provide a comprehensive briefing to the incoming Command Element?
   f. Has an appropriate time been chosen for the formal *Transfer of Command* to occur?
   g. Has the incoming Command Element formally accepted command?
   h. Have notifications been made to the appropriate entities, i.e., General Staff, Command Staff, Primary Agencies, Coordinating Agency, Supporting Agencies, Communications Section dispatcher and / or supervisor, all incident supervisors, etc.?
10. The *Transfer of Command* briefing should include:
   a. Concise history of the incident.
   b. Current incident situation status.
   c. Incident Objectives, Strategy and priorities.
   d. Incident Action Plan.
   e. Current organizational structure.
   f. Resource assignments.
   g. Resources enroute, ordered and / or required.
   h. Status of current and planned tactical operations / activities.
   i. Status of current and planned investigative operations / activities.
   j. Current incident related intelligence including any threat information and / or risk assessments.
   k. Status of Incident Facilities.
   l. Status of communications and Communications Plan.
   m. Any operational constraints or limitations.
   n. Current concerns, problems, issues, etc.
   o. Estimate / prediction of the future progress of the incident and potential concerns, problems, issues, etc.
   p. "Delegation of Authority" issues.

**PURPOSE** To describe the general CIMS Incident Sequence.

**PROCEDURE** When responding to an incident, generally, the following Incident Sequence will occur:

**CIMS INCIDENT SEQUENCE**

1. Depending upon the incident type, one or more Agencies will respond. The first arriving units assess the scene and, if capable, initiate Life Safety and Site Management Operations. The Command Element (Single or Unified) is established with the Primary Agency or Agencies determined by the Primary Agency Matrix. The Command Element assumes overall incident management responsibility; establishes an Incident Command Post at a safe and secure location near the incident site; and establishes General Staff Sections (Operations, Planning, Logistics, etc.) and / or Command Staff positions as needed.

2. If an Operations Section is activated, an Operations Section Post is established to direct tactical operations including Life Safety Operations and Site Management Operations.

3. If a Unified Command - Command Element is managing the incident, then a Unified Operations Section is established. At every CBRN / HazMat incident a Unified Operations Section will be established.

4. If there is a CBRN / HazMat incident, until the NYPD determines that there is no actual or suspected criminal activity or terrorism, the NYPD will be the Primary Agency and will establish a Single Command – Command Element. If the NYPD determines that there is no actual or suspected criminal activity or terrorism, then a Unified Command – Command Element will be established, and the NYPD will designate an Agency Incident Commander. When determining whether there is actual or suspected criminal activity or terrorism, comply with the procedures contained in Patrol Guide 212-101, "Processing Unknown Substances Suspected of Being Chemical, Biological, Radiological, Nuclear (CBRN) / Hazardous Materials Evidence."

5. Absent extraordinary emergency circumstances including unacceptable personnel safety risks, operating personnel will continue rescue operations to completion, or until relief is required due to fatigue, equipment failure or need for additional resources.

***NOTE*** *The Coordinating Agency will ensure that the Incident Command Post and Operations Section Post are established and appropriately staffed.*

**CIMS INCIDENT SEQUENCE (continued)**

6. Investigative Operations may be initiated concurrently with Life Safety Operations. However, absent extraordinary emergency circumstances, life safety concerns will take precedence over investigative considerations until Life Safety Operations are concluded.

7. During Investigative Operations, Recovery / Restoration Operations may be delayed to minimize disturbance to Investigative Scenes, Crime Scenes and other investigative / intelligence operations, activities, functions, etc. However, with the approval of the Command Element, in consultation with the Investigating Agency, Recovery / Restoration Operations may be initiated concurrently with Investigative Operations.

8. As part of Site Management Operations, the NYPD will consult with the Primary Agency(ies) directing Life Safety Operations and / or Investigative Operations. Based upon that consultation, the NYPD will establish appropriate perimeters as needed, and will exclude non-essential personnel from the incident site.

9. Recovery / Restoration Operations include final mitigation of the incident, and a return to non-emergency conditions. Recovery / Restoration Operations can be initiated concurrently with Life Safety and / or Investigative Operations with the approval of the Command Element.

***NOTE*** *The Coordinating Agency will facilitate and support Recovery / Restoration Operations.*

10. Upon completion of Recovery / Restoration and Site Management Operations, the Operations Section Post and the Incident Command Post are demobilized and the incident is concluded.

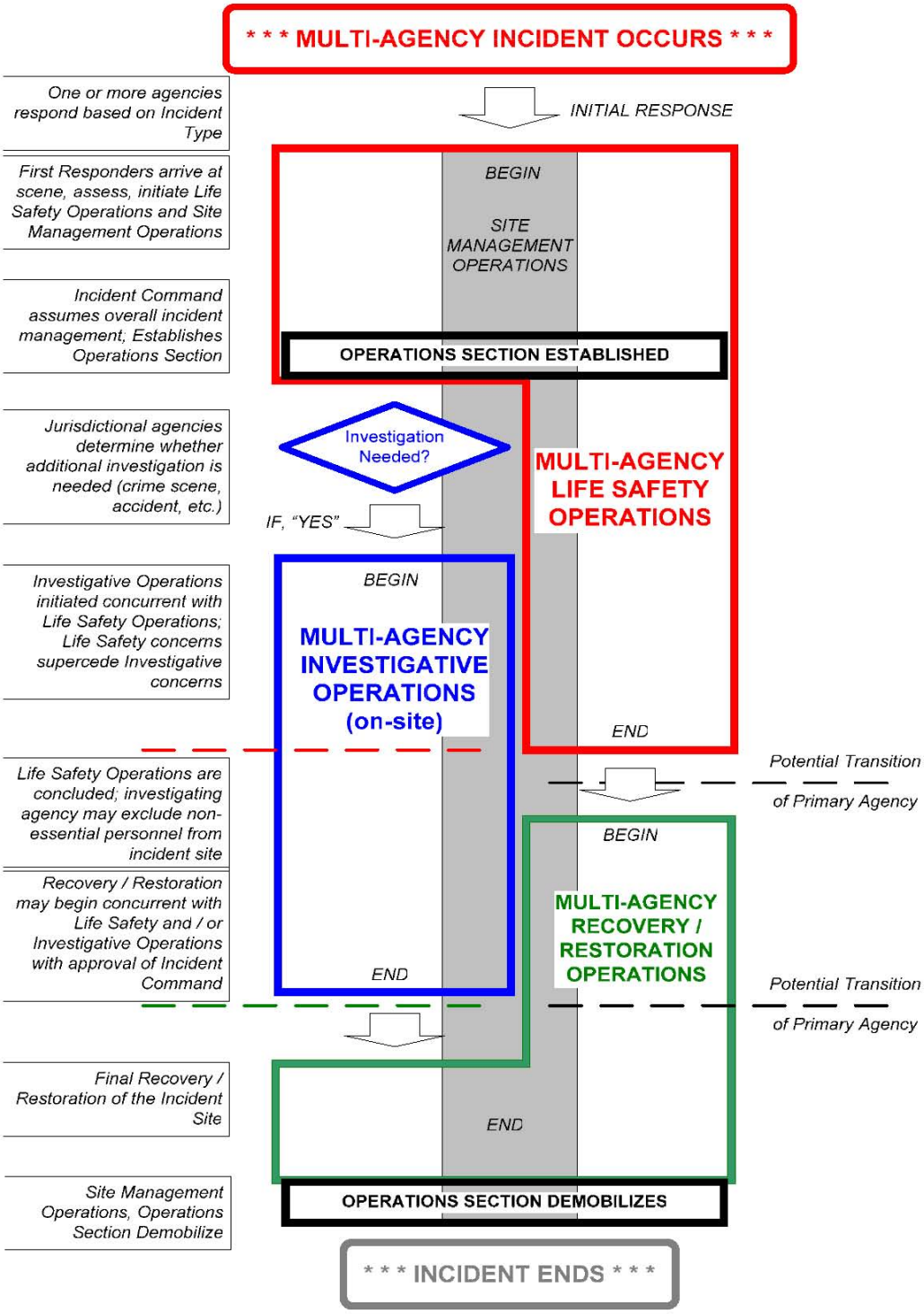
***ADDITIONAL DATA*** *In practice, there may be further overlap between the various phases of the incident. For example, some Recovery / Restoration activities, such as restoration of power or telephone service, may begin concurrently with Life Safety and Investigative Operations, provided that the Recovery / Restoration Operations support and do not conflict with other incident site operations.*

*Appendix "A" on the following page is a diagram illustrating the CIMS Incident Sequence.*

NYPD

***ADDITIONAL DATA (continued)***

***Appendix "A"***



**PURPOSE** To define and describe CIMS Incident Facilities.

**PROCEDURE** When responding to an incident where CIMS has been implemented, Incident Facilities will be defined and described as follows:

**DEFINITIONS**

**INCIDENT COMMAND POST**

The Incident Command Post is the location where the Command Element, i.e., Single Command, Incident Commander or Unified Command, Agency Incident Commanders, will **remain** and perform the command function. The Incident Command Post provides a central coordination point from which the Command Element, Command Staff, each appropriate Supporting Agency / Agency Representative, Coordinating Agency, General Staff planning functions and certain General Staff support functions will normally operate.

The Command Element, necessary members of the Command Staff, necessary members of the General Staff, each required Supporting Agency / Agency Representative and Coordinating Agency, will report to the Incident Command Post as soon as possible; **remain together**; develop the Incident Objectives, Strategies, Tactical Direction, tactics, assignments, priorities, etc.; and, formulate one single Incident Action Plan.

Depending upon the nature, size, complexity, location, duration, etc., of the incident, some members of the General Staff may be situated / operating at other locations. However, they will attend planning meetings conducted at the Incident Command Post and will remain in close contact with the Command Element.

**There is only one single Incident Command Post for an incident** irrespective of whether there is a Single Command – Command Element or a Unified Command – Command Element. The Incident Command Post will be identified by the name of the incident.

The Command Element will select an appropriate location to establish the Incident Command Post (ICP). If there is a Unified Command - Command Element, Agency Incident Commanders will jointly select an appropriate location to establish the Incident Command Post.

Initially, the Incident Command Post will be wherever the Command Element is located. The Incident Command Post can be any type of facility that is available and appropriate, e.g., vehicle, trailer, tent, open area, room in a building. The Incident Command Post should be large enough to provide adequate work space for the assigned personnel. The Incident Command Post should contain situation information and resource *status* displays and other planning related information. Adequate safety, health, security and force protection measures will be implemented regarding the Incident Command Post.

**DEFINITIONS (continued)**

The Incident Communications Center is often located within or adjacent to the Incident Command Post.

A location will be chosen for the Incident Command Post that is a reasonable and appropriate distance from the incident site; and, will provide for safety, health, security and force protection; and, will provide easy and expeditious access and egress; and, is sufficiently large and will allow for expansion; and, will permit continuous operations; and, will provide adequate workspace and utility / communications service. Generally, the Incident Command Post will be located within the Site Access Control / Outer Perimeter.

Whenever possible, the Incident Command Post should not be relocated. However, it may be necessary to relocate the Incident Command Post if the incident evolves / progresses and circumstances or conditions change. For example, during the initial stages of an incident the situation may rapidly change and the Incident Command Post may have to be relocated one or more times; or, the Incident Command Post may have to be relocated if an Operations Section Post is activated; or, a change in incident size / location may require relocation of the Incident Command Post in order to improve command, operations, communications, etc.; or, relocation of the Incident Command Post may be required in order to resolve safety, health, security or force protection issues.

Outside of NYC, under NIMS ICS, the Incident Command Post may be located at the Incident Base. However, absent extraordinary circumstances, in NYC an Incident Base will not be established.

Once the Incident Command Post is established, appropriate notifications will be made regarding the location of the Incident Command Post. Additionally, a flag, banner, beacon, sign or other distinctive marker will be used to identify the location of the Incident Command Post.

## OPERATIONS SECTION POST

The Operations Section Post is the location where the Operation Section chief / Agency Operations Section chiefs, Deputy(ies) and appropriate staff will remain and manage / direct all of the tactical functions, operations and activities.

If there is a Unified Operations Section, Agency Operations Section chiefs will jointly select an appropriate location to establish the Operations Section Post

The Operations Section Post can be any type of facility that is available and appropriate, e.g., vehicle, trailer, tent, open area, room in a building. Adequate safety, health, security and force protection measures will be implemented regarding the Operations Section Post.

**DEFINITIONS (continued)**

The Operations Section Post generally will not be co-located with the Intelligence / Investigations Section Post or the Incident Command Post. The Operations Section Post will be established at a secure location within a reasonable distance from the Intelligence / Investigations Section Post and the Incident Command Post.

A location will be chosen for the Operations Section Post that is a reasonable and appropriate distance from the incident site; and, will provide for safety, health, security and force protection; and will provide easy and expeditious access and egress; and, is sufficiently large and will allow for expansion; and, will permit continuous operations; and, will provide adequate work space and utility / communications service. Generally, the Operations Section Post will be located within the Site Access Control / Outer Perimeter.

If necessary, the Operations Section Post may be relocated.

**INTELLIGENCE / INVESTIGATIONS SECTION POST**

The Intelligence / Investigations Section Post is the location where the Intelligence / Investigations Section chief, Deputy(ies) and appropriate staff will remain and manage / direct all of the intelligence and investigative functions, operations and activities.

The Intelligence / Investigations Section Post can be any type of facility that is available and appropriate, e.g., vehicle, trailer, tent, open area, room in a building. Adequate safety, health, security and force protection measures will be implemented regarding the Intelligence / Investigation Section Post.

The Intelligence / Investigations Section Post generally will not be co-located with the Operations Section Post or the Incident Command Post. The Intelligence / Investigations Section Post will be established at a secure location within a reasonable distance from the Operations Section Post and the Incident Command Post.

A location will be chosen for the Intelligence / Investigations Section Post that is a reasonable and appropriate distance from the incident site; and, will provide for safety, health, security and force protection; and, will provide easy and expeditious access and egress; and, is sufficiently large and will allow for expansion; and, will permit continuous operations; and, will provide adequate work space and utility / communications service. Generally, the Intelligence / Investigations Section Post will be located within the Site Access Control / Outer Perimeter.

If necessary, the Intelligence / Investigations Section Post may be relocated.

**DEFINITIONS (continued)**

## INCIDENT BASE

Absent extraordinary circumstances, an Incident Base will not be activated in NYC. However, an Incident Base might be activated during an extremely large incident that will continue for an extended period of time.

Outside of NYC, under NIMS ICS, the Incident Base is the central location where all incident primary logistic service and support activities are situated and performed. Normally, the Incident Base is the facility where all uncommitted *Out-of-Service* personnel, equipment and tactical resources are located; and, support operations are situated.

If activated, there is only one Incident Base established for an incident. Adequate safety, health, security and force protection measures will be implemented regarding the Incident Base. The Incident Base will be identified by the name of the incident.

Absent unusual circumstances, the Incident Base will not be relocated.

When appropriate, the Incident Base may be deactivated.

If an Incident Base is activated, an Incident Base Manager will be designated. The Incident Base Manager will ensure that appropriate sanitation and facility management services are being provided at the Incident Base; and, that adequate safety, health, security and force protection measures have been implemented regarding the Incident Base.

The Incident Base Manager reports to the Facilities Unit Leader, or if that position is not activated, to the Logistics Section chief.

## CAMP

Absent extraordinary circumstances, a Camp(s) will not be activated in NYC. However, one or more Camps might be activated during an extremely large incident that will require incident personnel to be lodged for an extended period of time in the vicinity of the incident.

Outside of NYC, under NIMS ICS, a Camp is a temporary location within the general incident area that is equipped and staffed to provide food, water, sanitation, shower and related lodging services to incident personnel. A Camp is separate and distinct from and will not be located at the Incident Base. However, all CIMS functional Unit activities that may be performed at the Incident Base may also be performed at a Camp.

There may be more than one Camp. If activated, each Camp will be identified by a geographic name or a number. Adequate safety, health, security and force protection measures will be implemented regarding each of the Camps.

**DEFINITIONS (continued)**

A Camp(s) may be at the same location for several days or for the entire duration of the incident. When necessary and depending upon the circumstances of the incident, a Camp(s) may be relocated.

When appropriate, a Camp(s) may be deactivated.

If activated, each Camp will have a Camp Manager assigned. Each Camp Manager is responsible for managing the activities occurring in the Camp, providing non-technical coordination, and coordinating the actions of all of the organizational Units situated within the Camp. Additionally, each Camp Manager will ensure that adequate safety, health, security and force protection measures have been implemented regarding the Camp.

One or more Logistics Section Units may be situated at one or more Camps. If a Logistics Section Unit(s) is situated at a Camp(s), it would be managed by an Assistant. Initially, personnel required to staff one or more Logistics Section Units situated at one or more Camps will be determined by the General Staff based upon the nature, size, complexity, location, duration, etc., of the incident and anticipated operations at the involved Camp(s). However, after a Camp(s) is activated, additional required personnel and support will be determined by the Camp Manager.

The Camp Manager(s) reports to the Facilities Unit Leader, or if that position is not activated, to the Logistics Section chief.

**OTHER INCIDENT FACILITIES**

Depending upon the circumstances, other additional Incident Facilities may be activated and situated within the incident area. These other additional Incident Facilities may be used for:

1. Conducting appropriate support and / or service functions and activities, e.g., Mass Care (Triage / Treatment / Transportation), Mass Casualty Management, Mass Fatality Management / Temporary Morgue, Family Assistance, Mass Decontamination.
2. Providing food, water, lodging, shower, sanitation, etc., services to incident personnel.

**PURPOSE** To define and describe CIMS Incident Facilities – Staging Area.

**PROCEDURE** When responding to an incident where CIMS has been implemented, Incident Facilities - Staging Area will be defined and described as follows:

**DEFINITIONS**

**STAGING AREA**

A Staging Area is a temporary location / facility for situating and organizing resources that are in *Available status* and may be deployed to incident assignments. It may contain temporary fueling and sanitation facilities.

***NOTE*** ***A Staging Area was formerly referred to as a Mobilization Point.***

Pursuant to CIMS, there may be more than one Staging Area. However, absent unusual circumstances, there should be only one NYPD Staging Area for NYPD resources. Nevertheless, there may be more than one NYPD Staging Area if:

1. Specialized units, personnel, vehicles, equipment or other specialized resources are required at the incident, e.g., Emergency Services Unit, Mounted Unit, Highway District; or,
2. The incident area is extraordinarily large; or,
3. An extremely large number of personnel, vehicles, equipment or other resources are required at the incident; or,
4. A significant amount of large specialized equipment is required at the incident; or,
5. Confidential / sensitive resources are required at the incident; or,
6. There have been several Operational Periods and the incident has not been resolved and incident operations will continue for a prolonged period of time; or,
7. There are other circumstances that require the activation of more than one Staging Area.

Pursuant to CIMS, depending upon the circumstances, different Agencies may have one or more separate Staging Areas; or, different functional / Core Competency Branches may have one or more separate Staging Areas.

If more than one Staging Area is required then the Operations Section chief, or Command Element if the Operations Section is not activated, will ensure that an appropriate number of Staging Areas are activated; and, that the activities / functions occurring at each of the Staging Areas are performed in a coordinated manner.

**DEFINITIONS (continued)**

Resources situated at a Staging Area(s) may be in *Available status* awaiting a tactical and / or investigative assignment, and should be prepared for assignment / deployment within three minutes. A Staging Area(s) should be used to organize Single Resources into Resource Teams and / or Special Response Teams. *Out-of-Service* resources should not be situated at a Staging Area(s). Logistics functions should not be performed at a Staging Area(s).

A Staging Area(s) can be situated at any appropriate location in the incident area. The following factors should be considered when choosing a location to situate a Staging Area(s):

1. The need to be a reasonable and appropriate distance from the incident.
2. The need to have staged resources prepared for expeditious deployment to the incident and / or area of expected assignment. Absent unusual conditions and depending upon the circumstances of the incident, generally, a Staging Area(s) should be located approximately five minutes travel time to an area of anticipated need, assignment, deployment, etc.
3. The need to have a sufficiently large area in order to accommodate the responding resources and the required reserves; and, to have sufficient space to allow for expansion; and, if possible, to have sufficient space for expansion in order to accommodate a Level 3 or Level 4 mobilization.
4. The need to provide adequate workspace and utility / communications service.
5. The need to permit continuous operations.
6. The need to have sufficient access and egress routes and to be easily accessible.
7. The ability to effectively and efficiently implement safety, health, security and force protection measures.

When a Staging Area(s) is activated it must be clearly marked and be readily identifiable. Adequate safety, health, security and force protection measures will be implemented regarding the Staging Area(s).

A Staging Area(s) will be given a name that describes its general location.

A Staging Area(s) may be in the vicinity of or adjacent to other Incident Facilities; but, must have its own separate location and name.

The initial boundaries of the Staging Area(s) should be identified and communicated to the Command Element, Communications Section dispatcher and / or supervisor, Command Staff positions, General Staff Sections and each appropriate Supporting Agency / Agency Representative. Additionally, response routes / directions to the Staging Area(s) should be communicated to the responding resources by the Communications Section dispatcher and / or supervisor; or, when necessary, directly by the appropriate incident management organizational element / personnel; or, in any other appropriate manner.

**DEFINITIONS (continued)**

A Staging Area(s) may be established for watercraft.

A Staging Area(s) may be relocated when necessary. A Staging Area(s) may also be deactivated when appropriate.

All Staging Areas are under the direction and control of the Operations Section chief, or the Command Element if the Operations Section has not been activated. The Operations Section chief will ensure that the activities / functions occurring at each of the Staging Areas are performed in a coordinated manner.

The Operations Section chief will:

a. Determine the appropriate number, *Kinds* and *Types* of resources that will be situated at the Staging Area(s); and / or, retained and maintained as reserves at the Staging Area(s).
b. Retain and maintain adequate resource reserves at the Staging Area(s), and increase or decrease the reserves when necessary to meet current needs and / or anticipated demands and / or unanticipated contingencies.
c. When necessary, request the appropriate authority to have additional required resources respond to the Staging Area(s) for deployment to incident related assignments, or to maintain adequate reserves, or for any other appropriate purposes.

The Operations Section chief will ensure that adequate safety, health, security and force protection measures will be implemented regarding the Staging Area(s).

The Operations Section chief will designate a Staging Area Manager to control each of the Staging Areas. The Operations Section chief will inform each of the Staging Area Managers of the following:

a. The number, *Kinds* and *Types* of resources that will be responding to the Staging Area(s).
b. Communications procedures, devices, channels, equipment, frequencies and measures that will be utilized.
c. Minimum number of resources and specific *Kinds* and *Types* of resources that must be retained and maintained as reserves at the Staging Area(s).
d. Directions regarding organizing Single Resources into Resource Teams and / or Special Response Teams.
e. Procedures for requesting / ordering additional resources.
f. Estimated length of time the Staging Area(s) will be activated / utilized.
g. Procedures for requesting / ordering logistics service and support.

Each of the Staging Area Managers will:

a. When appropriate and authorized, organize Single Resources into Resource Teams and / or Special Response Teams.
b. Dispatch resources at the direction of the Operations Section chief, or the Command Element if the Operations Section has not been activated.

**DEFINITIONS (continued)**

c. Request / order Logistics Section service / support as necessary.

d. Ensure adequate safety, health, security and force protection measures are implemented regarding the Staging Area.

e. Monitor and track the number, *Kinds*, *Types* and *status* of resources situated at the Staging Area.

f. Notify the Operations Section chief, or the Command Element if the Operations Section has not been activated, when additional resources should be ordered / requested in order to be deployed to incident related assignments, and / or maintain adequate reserves, and / or for any other appropriate purposes.

g. Frequently inform the Operations Section chief, or the Command Element if the Operations Section has not been activated, regarding the activities / functions occurring at the Staging Area so as to enable the Operations Section chief, or the Command Element if the Operations Section has not been activated, to ensure that the activities / functions at each of the Staging Areas are performed in a coordinated manner.

Personnel arriving at the Staging Area(s), will "*Check-In*" with the Resources Unit, and supplies and equipment delivered to the Staging Area(s), will be receipted for by the Supply Unit. If the Resources Unit and / or the Supply Unit are not activated, the Staging Area Manager(s) will give appropriate direction regarding arriving personnel and / or delivered supplies / equipment.

NYPD

**PURPOSE** To define and describe CIMS Incident Facilities – Air Operations.

**PROCEDURE** When responding to an incident where CIMS has been implemented, Incident Facilities – Air Operations will be defined and described as follows:

**DEFINITIONS**

**HELIBASE**

The main location within the general incident area that will be utilized for:

1. Parking, fueling, repairing, servicing, storing, maintaining, safeguarding / securing, etc., helicopters; and,
2. Loading and unloading helicopters with personnel, equipment, supplies and / or other resources required for incident operations, functions and activities; and,
3. Filling helicopters with water, insecticides, retardants, pesticides, chemicals and / or other substances required for incident operations, functions and activities.

The NYPD will activate and manage all Helibases. Absent extraordinary circumstances, only one Helibase will be activated; and, it will be situated at the NYPD Chief of Special Operations, Aviation Unit facility located at Floyd Bennett Field, Brooklyn. However, pursuant to CIMS and depending upon the circumstances, more than one Helibase may be activated, e.g., very large incidents; incidents with a significant number of aviation / aircraft resources; incidents that require a substantial number of tactical and logistical / support air operations. The NYPD will ensure that an appropriate number of Helibases are activated; and, that the activities / functions occurring at each Helibase are performed in a coordinated manner. The NYPD will ensure that each Helibase is properly situated at an appropriate location and that adequate health, safety, security and force protection measures are implemented regarding each Helibase.

If more than one Helibase is activated, usually each additional Helibase will be situated at a location that is pre-designated and approved by the NYPD Aviation Unit, e.g., JFK airport, LaGuardia airport, Police Academy Firearms and Tactics Section Rodmans Neck Range facility, Brooklyn Navy Yard Development Corporation facilities. However, if more than one Helibase is activated, each additional Helibase may be situated at any appropriate location approved by the NYPD Aviation Unit that will:

1. Provide easy and expeditious approach, departure, landing and takeoff helicopter flight paths / routes that do not intrude into or over sensitive, restricted, prohibited, unsafe, etc., areas / airspace; and,
2. Provide safe, flat, clean, unobstructed, conspicuous, etc., landing and takeoff areas; and,
3. Provide adequate work space and utility / communications service; and,

**DEFINITIONS (continued)**

4. Permit continuous operations; and,
5. Allow for expansion; and,
6. Provide easy and expeditious access and egress regarding Logistics Section service and support; and,
7. Provide adequate safety, health, security and force protection; and
8. Be large enough to accommodate the required aviation / aircraft resources and reserves; and, the required service / support related personnel, equipment, vehicles, supplies and resources.

If there is only one Helibase activated, the Helibase will be identified by the name of the incident. If there is more than one Helibase activated, each Helibase will be identified by the name of the incident and a number.

Absent unusual circumstances, a Helibase(s) will not be relocated.

A Helibase(s) may be deactivated when appropriate.

A NYPD "Helibase Manager" will be designated to manage and supervise each Helibase. Each NYPD Helibase Manager will be designated by and report directly to the NYPD Air Operations Branch Director if an Air Operations Branch has been activated. If an Air Operations Branch has not been activated or there is no NYPD Air Operations Branch Director, then each NYPD Helibase Manager will be designated by and report directly to the:

1. NYPD Operations Section chief in a Single Operations Section, or NYPD Agency Operations Section chief in a Unified Operations Section, if the Operations Section has been activated; or,
2. NYPD Incident Commander in a Single Command – Command Element, or NYPD Agency Incident Commander in a Unified Command – Command Element, if the Operations Section has not been activated; or,
3. NYPD Supporting Agency / Agency Representative if there is no NYPD Incident Commander or NYPD Agency Incident Commander; **and,** no NYPD Operations Section chief or NYPD Agency Operations Section chief.

Each NYPD Helibase Manager will:

1. Be situated and operate on the ground at the Helibase;
2. Implement adequate safety, health, security and force protection measures regarding the Helibase;
3. Review and evaluate the Incident Action Plan including the Air Operations Plan and, if applicable, the *Air Operations Summary Worksheet – ICS 220*;
   a. When appropriate, recommend any necessary modifications to the current Incident Action Plan;
   b. Modifications may be implemented during the current Operational Period or prior to the start of the subsequent Operational Period as appropriate.

**DEFINITIONS (continued)**

4. When appropriate, participate in planning meetings and assist in the development of the Incident Action Plan particularly the Air Operations Plan and, if applicable, the *Air Operations Summary Worksheet – ICS 220*.
5. Ensure the Helibase is situated at an appropriate location;
6. Be responsible for all helicopters during takeoff and landing activities at the Helibase, and while situated on the ground at the Helibase;
7. Manage personnel, equipment, vehicles, supplies and other resources situated at the Helibase;
8. Document, monitor and track the number, *Kinds*, *Types* and *status* of resources situated at the Helibase;
9. Ensure required routine and specialized resources are requested from the appropriate authority and are expeditiously provided;
10. Ensure required Logistics Section service / support is provided;
11. Ensure appropriate communications procedures, devices, protocols, equipment, frequencies, systems, networks, etc., are utilized, and proper communications technological and procedural measures are implemented;
12. Implement measures to identify and prevent / eliminate actual and potential hazards and unsafe activities, functions and conditions;
13. Ensure the operations, functions and activities of the pilots, ground personnel, other appropriate incident personnel, and when applicable, personnel located at appropriate off incident sites are properly coordinated.
14. Implement appropriate night flight / aviation procedures and measures;
15. Implement appropriate air traffic control procedures and measures;
16. Ensure helicopter landing and takeoff procedures and measures are properly implemented;
17. Ensure helicopter parking, fueling, repairs, service, storage, maintenance, safeguarding / security is properly performed;
18. Ensure the loading and unloading of helicopters with personnel, equipment, supplies and / or other resources is properly performed
    a. Ensure the sling / net loading and unloading of helicopters is properly performed;
19. Ensure the filling of helicopters with water, insecticides, retardants, pesticides, chemicals and / or other substances is properly performed;
20. Implement adequate crash, fire suppression, rescue and other safety related procedures and measures;
21. Ensure appropriate records, forms, logs, reports, etc. are prepared;
22. Ensure helicopter "flight / operating / usage time" is accurately documented in compliance with the appropriate specific procedures of the involved Agency(ies);
23. Ensure aviation / aircraft resources related procedures, functions, occurrences, conditions, protocols, measures, activities, etc., are frequently discussed with pilots, ground personnel, other appropriate incident personnel, and when applicable, personnel located at appropriate off incident sites; and, comments and recommendations are obtained and documented; and, any required actions are expeditiously implemented.

**DEFINITIONS (continued)**

When necessary, each NYPD Helibase Manager may activate and supervise the following additional NIMS ICS Helibase subordinate incident management positions and designate the NYPD personnel who will perform the duties of each position:

a. Deck Coordinator
b. Loadmaster
c. Parking Tender
d. Takeoff and Landing Controller
e. Helibase Radio Operator
f. Helicopter Timekeeper.

When necessary, a NYPD Helibase Manager(s) will activate one or more Helispots; and, designate a NYPD Helispot Manager to manage and supervise each Helispot. A NYPD Helibase Manager(s) will ensure that an appropriate number of Helispots are activated; and, that the activities / functions occurring at each Helispot are performed in a coordinated manner. A NYPD Helibase Manager(s) will ensure that each Helispot is properly situated at an appropriate location; and, ensure that adequate safety, health, security and force protection measures will be implemented regarding each Helispot.

**HELISPOT**

A Helispot is a temporary location at the incident where helicopters can land and take off in order to load and unload personnel, equipment, supplies and / or other resources required for incident operations, functions and activities.

The NYPD will activate and manage all Helispots. There may be more than one Helispot. The NYPD will ensure that an appropriate number of Helispots are activated; and, that the activities / functions occurring at each Helispot are performed in a coordinated manner. The NYPD will ensure that each Helispot is properly situated at an appropriate location; and, that adequate safety, health, security and force protection measures will be implemented regarding each Helispot.

Usually, each Helispot that is activated will be situated at a location that is pre-designated and approved by the NYPD Aviation Unit. However, when necessary, each Helispot that is activated may be situated at any appropriate location approved by the Aviation Unit that will:

1. Provide easy and expeditious approach, departure, landing and takeoff helicopter flight paths / routes that do not intrude into or over sensitive, restricted, prohibited, unsafe, etc., areas / airspace; and,
2. Provide safe, flat, clean, unobstructed, conspicuous, etc., landing and takeoff areas; and,
3. Provide adequate safety, health, security and force protection; and
4. Be large enough to accommodate the required aviation / aircraft resources and reserves; and, the required service / support related personnel, equipment, vehicles, supplies and resources.

**DEFINITIONS (continued)**

Each Helispot will be identified by a name or a number.

Each Helispot may be relocated when necessary.

Each Helispot may be deactivated when appropriate.

A NYPD "Helispot Manager" will be designated to manage and supervise each Helispot. Each NYPD Helispot Manager will be designated by and report directly to a NYPD Helibase Manager if a Helibase(s) has been activated. If a Helibase(s) has not been activated or there is no NYPD Helibase Manager(s), then each NYPD Helispot Manager will be designated by and report directly to the NYPD Air Operations Branch Director if an Air Operations Branch has been activated. If an Air Operations Branch has not been activated or there is no NYPD Air Operations Branch Director then each NYPD Helispot Manager will be designated by and report directly to the:

1. NYPD Operations Section chief in a Single Operations Section, or NYPD Agency Operations Section chief in a Unified Operations Section, if the Operations Section has been activated; or,
2. NYPD Incident Commander in a Single Command – Command Element, or NYPD Agency Incident Commander in a Unified Command – Command Element, if the Operations Section has not been activated; or,
3. NYPD Supporting Agency / Agency Representative if there is no NYPD Incident Commander or NYPD Agency Incident Commander; **and,** no NYPD Operations Section chief or NYPD Agency Operations Section chief.

Absent unusual circumstances, each NYPD Helispot Manager will be either a Police Officer or supervisor assigned to the Emergency Services Unit. Usually, Patrol Services Bureau personnel will be utilized to assist each Emergency Services Unit Helispot Manager. Each NYPD Helispot Manager will ensure adequate health, safety, security and force protection measures are implemented regarding the Helispot.

Each NYPD Helispot Manager will:

1. Be situated and operate on the ground at the Helispot;
2. Implement adequate safety, health, security and force protection measures regarding the Helispot;
3. When necessary, review and evaluate the Incident Action Plan including the Air Operations Plan and, if applicable, the *Air Operations Summary Worksheet – ICS 220*;
   a. When appropriate, recommend any necessary modifications to the current Incident Action Plan;
   b. Modifications may be implemented during the current Operational Period or prior to the start of the subsequent Operational Period as appropriate

**DEFINITIONS (continued)**

4. Ensure the Helispot is situated at an appropriate location;
5. Be responsible for all helicopters during takeoff and landing activities at the Helispot, and while situated on the ground at the Helispot;
6. Manage personnel, equipment, vehicles, supplies and other resources situated at the Helispot;
7. Ensure required routine and specialized resources are requested from the appropriate authority and are expeditiously provided;
8. Ensure required Logistics Section service / support is provided;
9. Ensure appropriate communications procedures, devices, protocols, equipment, frequencies, systems, networks, etc., are utilized, and proper communications technological and procedural measures are implemented;
10. Implement measures to identify and prevent / eliminate actual and potential hazards and unsafe activities, functions and conditions;
11. Ensure the operations, functions and activities of the pilots, ground personnel, other appropriate incident personnel, and when applicable, personnel located at appropriate off incident sites are properly coordinated.
12. Implement appropriate air traffic control procedures and measures;
13. Implement appropriate night flight / aviation procedures and measures;
14. Ensure helicopter landing and takeoff procedures and measures are properly implemented;
15. Ensure the loading and unloading of helicopters with personnel, equipment, supplies and / or other resources is properly performed
    a. Ensure the sling / net loading and unloading of helicopters is properly performed;
16. Implement adequate crash, fire suppression, rescue and other safety related procedures and measures;
17. Ensure appropriate records, forms, logs, reports, etc. are prepared;
18. Ensure aviation / aircraft resources related procedures, functions, occurrences, conditions, protocols, measures, activities, etc., are frequently discussed with pilots, ground personnel, other appropriate incident personnel, and when applicable, personnel located at appropriate off incident sites; and, comments and recommendations are obtained and documented; and, any required actions are expeditiously implemented.

**INCIDENT MANAGEMENT RELATED AIRPLANE, BLIMP AND OTHER AVIATION / AIRCRAFT RESOURCE AIR FIELD THAT IS NOT LOCATED AT A CONVENTIONAL AIRPORT**

The NYPD supervisor managing and directing the tactical and logistical / support air operations and aviation / aircraft resources function will ensure each incident management related airplane, blimp and other aviation / aircraft resource air field that is not located at a conventional airport is situated at an appropriate location; and, is properly managed; and, adequate safety, health, security and force protection measures are implemented.

**PURPOSE** To effectively and efficiently demobilize NYPD resources at an incident / event.

**PROCEDURE** When demobilizing NYPD resources from an incident / event:

**COMMAND ELEMENT**

1. Prior to demobilizing NYPD resources, direct Operations Section chief to have the incident area and associated areas surveyed and:
   a. Report results to the Command Element.
   b. Enter results in the Incident Command Post Log.

**OPERATIONS SECTION CHIEF**

2. Prior to demobilizing NYPD personnel and resources, obtain approval from:
   a. The Command Element
   b. If appropriate, the Operations Unit; or if activated, the NYPD Emergency Operations Center.
3. Notify NYPD:
   a. Operations Unit, or if activated, the NYPD Emergency Operations Center.
   b. Precinct Desk Officer.
   c. Patrol Borough Command concerned.
   d. Communications Section. Notify Communications Section Dispatcher and / or Supervisor regarding:
      (1) Dual dispatching system / procedures that have been in effect; or,
      (2) Citywide and / or tactical interoperable / shared radio frequencies that have been activated and / or utilized.
      (3) Other relevant information.
4. Ensure accountability by having a return roll call conducted for all assigned NYPD personnel.

***NOTE*** *Generally, prior to release from the incident, Resource Teams and Special Response Teams that were created / organized at the incident from responding Single Resources, should be disassembled; and, the Single Resources should be restored to their original resource designation, configuration and organization. This will assist in accounting for all resources by ensuring that resources are released from the incident with the same resource designation, configuration and organization they had upon arrival.*

5. Ensure all incident related operations, functions, assignments, tasks, etc., have been completed.
6. Ensure all required incident related forms, reports and documents have been prepared, and other administrative activity has been completed.
7. Have a summary of enforcement activity prepared.
8. Have personnel identified who have performed in a substandard manner or an exceptional manner, and document the performance for subsequent action.
9. Have personnel directed to return borrowed equipment to the appropriate location / Unit.

**OPERATIONS SECTION CHIEF (continued)**

10. Have NYPD personnel directed to turn their portable radios from the detail frequency back to their standard frequency.
11. Have NYPD personnel debriefed and instructed regarding dismissal procedures. Have NYPD personnel directed to:
    a. Report directly to their respective desk officers for reassignment; or,
    b. Conclude their tour if appropriate; or,
    c. Confer with their incident / event supervisor and / or permanent command supervisor, if there are any questions or problems regarding dismissal procedures or post dismissal actions.

**COMMAND ELEMENT**

12. Conduct After-Action Review of operations with appropriate members of the Command Staff and General Staff in order to identify and document:
    a. Successes and failures.
    b. Tactics that were successful or require evaluation / modification.
    c. Required changes to Department procedures, the Citywide Incident Management System and / or inter-Agency procedures involving command, tactics, operations, support, investigations, aviation, communications, etc.
    d. Incident management "Best Practices" and "Lessons Learned."
13. Have appropriate entries made in the Incident Command Post Log and ensure all appropriate forms, summaries, reports and other appropriate documentation is prepared.
14. Ensure all appropriate equipment, supplies, vehicles, etc., are properly accounted for and returned to the appropriate units; or, if appropriate, properly discarded, i.e., expendable supplies.
15. Have Incident Command Post Log, Incident Command Post vehicle(s), Incident Command Post flag / banner / beacon, appropriate Incident Command Post equipment / supplies, Incident Action Plan(s), **DETAIL ROSTER / ASSIGNMENT SHEETS (PD406-141)**, **UNUSUAL OCCURRENCE REPORTS (PD370-152)** and other incident related forms, reports, logs, documents, etc., delivered / returned to the appropriate Unit(s).
16. Provide Operations Unit, or if activated, the NYPD Emergency Operations Center, with a summary of the significant incident related occurrences.
17. When appropriate, confer with the Office of the Chief of Department, Operations Division, regarding the need to conduct a NYC Office of Emergency Management (OEM), multi-agency "Joint After-Action Review."
18. Order demobilization of Incident Facilities, including the Operations Section Post, and if activated, the Intelligence / Investigations Post.
19. Order the demobilization of the Command Staff positions and General Staff Sections, as appropriate.
20. Demobilize the Incident Command Post and the Command Element.

***FORMS AND REPORTS***

***DETAIL ROSTER / ASSIGNMENT SHEET (PD406-141)***
***UNUSUAL OCCURRENCE REPORT (PD370-152)***

**PURPOSE** To describe Air Operations in CIMS.

**PROCEDURE** In NYC, the NYPD directs incident management related tactical and logistical/support air operations involving helicopter, airplane, blimp and other aviation / aircraft resources. Therefore, absent unusual circumstances, in NYC, the NIMS ICS Air Operations Branch structure will not be utilized. However, during major incidents to which state and / or federal aviation resources are deployed, the NIMS ICS Air Operation Branch structure, or other appropriate organizational structure, may be used to integrate state and federal aviation resources with NYPD tactical and logistical / support air operations and aviation / aircraft resources.

In NYC, tactical and logistical / support air operations and aviation / aircraft resources will be managed and directed by the:

(1) NYPD Operations Section chief in a Single Operations Section, or NYPD Agency Operations Section chief in a Unified Operations Section, if the Operations Section has been activated; or,

(2) NYPD Incident Commander in a Single Command – Command Element, or NYPD Agency Incident Commander in a Unified Command – Command Element, if the Operations Section has not been activated; or

(3) NYPD Supporting Agency / Agency Representative if there is no NYPD Incident Commander or NYPD Agency Incident Commander; **and,** no NYPD Operations Section chief or NYPD Agency Operations Section chief.

Upon arriving at the scene of an incident that requires Air Operations or aviation / aircraft resources, the following procedures will be followed:

**OPERATIONS SECTION CHIEF**

1. Manage and direct tactical and logistical /support air operations and aviation / aircraft resources including helicopter (rotary-wing), airplane (fixed-wing) and blimp (airship) aircraft.

2. When necessary, activate an Air Operations Branch within the Operations Section and designate a NYPD Air Operations Branch Director to manage and direct tactical and logistical / support air operations and aviation / aircraft resources.

   a. A NYPD Air Operations Branch Director will select an appropriate location to remain and manage / direct all of the tactical and logistical / support air operations and aviation / aircraft resources, functions and activities:

      (1) Be situated and operate on the ground at the incident;

      (2) Absent unusual circumstances, be situated at the Operations Section Post.

   b. When necessary, a NYPD Air Operations Branch Director may designate a Deputy or Deputies.

      (1) The Deputy is the counterpart of the principal;

**OPERATIONS SECTION CHIEF (continued)**

(2) The Deputy may be member of a different Agency / Jurisdiction than the principal.

c. If unusual circumstances exist, when necessary, additional Air Operations Branch subordinate incident management organizational elements may be activated, e.g., Air Tactical Group, Air Support Group; and, additional NYPD Air Operations Branch subordinate incident management positions may be designated, e.g., Air Tactical Group Supervisor, Air Support Group Supervisor, Helicopter Coordinator(s), Fixed-Wing Coordinator(s).

3. Request tactical and logistical / support air operations and aviation / aircraft resources in accordance with the applicable NYPD procedures in the following manner:
   a. A request for assistance that requires an immediate response to support the incident management related operations, functions and activities of the NYPD, will be made to the Communications Section dispatcher and / or supervisor.
   b. A request for assistance that does not require an immediate response to support the incident management related operations, functions and activities of the NYPD, will be made to the Operations Unit or, if activated, the NYPD Emergency Operations Center.
   c. If exigent circumstances exist, a request for assistance to support the incident management related operations, functions and activities of the FDNY, DEP, DOHMH and / or other appropriate governmental agencies, non-governmental organizations and / or private entities / individuals, will be made to the Communications Section dispatcher and / or supervisor.
   d. If no exigent circumstances exist, a request for assistance to support the incident management related operations, functions and activities of the FDNY, DEP, DOHMH and / or other appropriate governmental agencies, non-governmental organizations and / or private entities / individuals, will be made to the Operations Unit or, if activated, the NYPD Emergency Operations Center.
4. Ensure adequate safety, health, security and force protection measures are implemented regarding the tactical and logistical / support air operations and aviation / aircraft resources.
5. When necessary, notify the Operations Unit, or if activated, the NYPD Emergency Operations Center, and request one or more appropriate Temporary Flight Restrictions (TFRs) be approved / implemented by the Federal Aviation Administration (FAA).
6. Ensure an appropriate number of Helibases are activated, and that the activities / functions occurring at each Helibase are performed in a coordinated manner, and that a NYPD Helibase manager is designated to supervise and manage each Helibase.
   a. Ensure each Helibase is situated at an appropriate location and is properly managed;

**OPERATIONS SECTION CHIEF (continued)**

b. Ensure each Helibase Manager is situated and operates on the ground at the Helibase;

c. Ensure adequate safety, health, security and force protection measures are implemented regarding each Helibase;

d. Absent extraordinary circumstances, only one Helibase will be activated; and, it will be situated at the NYPD Chief of Special Operations, Aviation Unit facility located at Floyd Bennett Field, Brooklyn.

7. Ensure an appropriate number of Helispots are activated, and that the activities / functions occurring at each Helispot are performed in a coordinated manner, and that a NYPD Helispot Manager is designated to supervise and manage each Helispot.

a. Ensure each Helispot is situated at an appropriate location and is properly managed;

(1) When appropriate, each Helispot may be deactivated and / or relocated.

b. Absent unusual circumstances, ensure each NYPD Helispot Manager is either a Police Officer or supervisor assigned to the Emergency Services Unit.

(1) Patrol Services Bureau personnel will be utilized to assist each Emergency Services Unit Helispot Manager.

c. Ensure each Helispot Manager is situated and operates on the ground at the Helispot.

d. Ensure adequate safety, health, security and force protection measures are implemented regarding each Helispot.

8. Ensure each incident management related airplane, blimp and other appropriate aviation / aircraft resource air field that is <u>not</u> located at a conventional airport is situated at an appropriate location and is properly managed;

a. Ensure adequate safety, health, security and force protection measures are implemented.

9. Maintain a liaison and coordinate with each incident management related airplane, blimp and other appropriate aviation / aircraft resource air base that is located at a conventional airport.

10. Review and evaluate the Air Operations Plan and, if applicable, the *Air Operations Summary Worksheet – ICS 220*;

a. When appropriate, recommend any necessary modifications;

b. Modifications may be implemented during the current Operational Period or prior to the start of the subsequent Operational Period as appropriate.

11. Ensure there are sufficient helicopter, airplane, blimp and other appropriate aviation / aircraft resources;

a. Estimate / forecast <u>future</u> helicopter, airplane, blimp and other appropriate aviation / aircraft resources requirements.

12. Ensure there are sufficient personnel, equipment, supplies and other routine and / or specialized resources, service and support;

**OPERATIONS SECTION CHIEF (continued)**

a. Estimate / forecast <u>future</u> personnel, equipment, supplies and other routine and / or specialized resources, service and support requirements.

13. Ensure adequate aviation / aircraft resource reserves are maintained, and the resource reserves are increased or decreased when necessary.
14. Ensure the number, *Kinds* and *Types* of aviation / aircraft resources; and, the *status*, capabilities and limitations of aviation / aircraft resources is accurately documented, monitored and tracked.
15. Ensure appropriate communications procedures, devices, protocols, equipment, frequencies, systems, networks, etc., are utilized, and proper communications technological and procedural measures are implemented.
16. Implement measures to identify and prevent / eliminate actual and potential hazards and unsafe activities, functions and conditions.
17. Implement adequate crash, fire suppression, rescue and other safety related procedures and measures.
18. Ensure appropriate air traffic control procedures and measures are implemented.
19. Ensure aviation / aircraft resource flight, approach, departure, landing, takeoff, loading, unloading, filling, parking, fueling, repairs, service, storage, maintenance, safeguarding / security, etc., procedures and measures are properly implemented.
20. Ensure tactical and logistical / support air operations and aviation / aircraft resources are properly coordinated at the incident, and when applicable, at appropriate off incident sites.
21. Ensure sufficient aviation / aircraft resources are continuously available to perform emergency operations, functions and activities.
22. When necessary, ensure only approved / authorized non incident management related aviation aircraft resources are permitted to enter the incident areas / airspace.
23. Investigate incidents and resolve conflicts regarding tactical and logistical / support air operations and aviation / aircraft resources.
24. Ensure any incident related aviation / aircraft resource accidents and / or potential accidents that were barely avoided, i.e., “near misses” are properly investigated.
25. Ensure appropriate records, forms, logs, reports, etc. are prepared.
26. Ensure aviation / aircraft resource “flight / operating / usage time” is accurately documented in compliance with the appropriate specific procedures of the involved Agency(ies).
27. Continually monitor / evaluate the organizational structure and effectiveness of the tactical and logistical / support air operations and aviation / aircraft resources function, and the performance of the Deputy(ies), Managers, Supervisors, Coordinators and assigned personnel.
    a. Make appropriate modifications when necessary.

DRAFT

**PURPOSE** To describe the *"Check In"* process at an event.

**PROCEDURE** When responding to an incident, the following *"Check In"* process will be followed:

**DEFINITION** *"CHECK-IN"* PROCESS-

1. The *"Check-In"* process formally records personnel and equipment as being present at and assigned to the incident; and, provides important basic information that will be used for tracking the number, location and *status* of the resources. The *Check-In* process assists the Command Element by enhancing the incident management organization's ability to easily:
   a. Ensure resource accountability.
   b. Track and identify the number, location and *status* of resources.
   c. Assign and reassign resources.
   d. Locate personnel for emergency notifications.
   e. Prepare accurate time and overtime records.
   f. Plan for demobilization.
   g. Demobilize and release resources.

2. The Resources Unit will perform the *Check-In* function at designated incident locations. If the Resources Unit has not been activated, the Planning Section chief will perform the *Check-In* function. If the Planning Section has not been activated, the Command Element will perform the *Check-In* function.

3. A *"Check-In Recorder"* will be assigned to each location where Resources will *Check-In*. The *Check-In Recorder*:
   a. Must have an adequate supply of *Check-In* forms / **DETAIL ROSTER / ASSIGNMENT SHEETS (PD406-141),** or other appropriate *Check-in* forms, logs, records, etc.
   b. Must be informed regarding the frequency and schedule for providing / reporting *Check-In* information to the Resources Unit.
   c. Should determine if resources that *Check-In* can be electronically recorded / documented.

4. Within NYC pursuant to CIMS, there are four locations where *Check-In* may occur:
   a. Staging Area(s)
      Resources should *Check-In* with the Resources Unit at the Staging Area(s). If the Resources Unit is not activated, resources should *Check-In* with the Staging Area Manager.

**DEFINITION (continued)**

b. Incident Command Post
Resources should *Check-In* with the Resources Unit at the Incident Command Post.

c. When applicable, Intelligence / Investigations Section Post.
When applicable, investigative resources will *Check-In* at the Intelligence / Investigations Section Post with the Resources Unit that will be co-located with the Investigative Support Group, if activated. If the Resources Unit is not activated, investigative resources will *Check-In* at the Intelligence / Investigations Section Post with the Investigative Support Group, if activated, if neither the Resource Unit nor the Investigative Support Group are activated, investigative resources should *Check-In* with the Intelligence / Investigations Section chief.

d. Helibase(s)
In NYC, *Check-In* may be performed at a Helibase(s); however absent extraordinary circumstances, *Check-In* will not occur at a Helibase(s).

5. Outside NYC, under NIMS ICS, there are an additional two locations where *Check-In* may occur:

a. Incident Base
Absent extraordinary circumstances an Incident Base will not be activated in New York City.

b. Camp(s)
Absent extraordinary circumstances a Camp(s) will not be activated in New York City.

6. Pursuant to CIMS, absent extraordinary circumstances, resources must formally *Check-In* before reporting to the Operations Section or Sectors or Groups or Branches for assignment.

***FORMS AND REPORTS*** ***DETAIL ROSTER / ASSIGNMENT SHEETS (PD406-141)***

NYPD

**PURPOSE** To define and describe CIMS Resources.

**PROCEDURE** When responding to an incident, Resources will be defined and described as follows:

**DEFINITIONS** RESOURCES - personnel, teams, equipment, supplies, vehicles, aircraft, watercraft and facilities that are available or potentially available for assignment or allocation to support incident management and emergency response activities.

***NOTE*** *Non-law enforcement resources, particularly firefighting resources, have been formally categorized by "Kind" and "Type." Law enforcement resources have NOT been formally categorized by "Kind" and "Type." However, an effort currently is underway to develop appropriate metrics and to formally categorize law enforcement resources by Kind and Type.*

a. "Kind": Kind refers to broad classes that characterize similar resources, such as teams, personnel, equipment, supplies, vehicles, watercraft, facilities and aircraft. The term may also be used to specifically categorize a particular resource, e.g., marked patrol car, unmarked car, nondescript car, undercover car, van, truck, tractor trailer, two wheeled scooter, three wheeled scooter or motorcycle.

b. "Type": Refers to the level of resource capability based upon its power, size or capacity. Resource *Type* is designated by a Roman numeral with I representing the greatest capability and IV representing the least capability. The *Type* assigned to a resource or a Component is based on a minimum level of capability described by the identified metric(s) for that resource. In some cases, a resource may have less than or more than four *Types*; and, additional *Types* will be identified or the *Type* will be described as "not applicable."

Resources are categorized as:

SINGLE RESOURCE – A Single Resource may perform a particular assignment and includes:

Single resources include:
a. A single vehicle including the operator / crew;
b. A single watercraft including the operator / crew;
c. A single aircraft including the operator / crew;
d. A single item of equipment including the operator / crew;
e. Single personnel;
f. Single personnel and an animal, i.e., dog, horse;
g. A formally pre-designated "team" of two or more personnel, including an identified work supervisor, i.e., "Squad", "Mobile Field Force."

***NOTE*** *Appendix "A", lists examples of NYPD Single Resources.*

**DEFINITIONS (continued)**

RESOURCE TEAM - a combination of the **same** "*Kinds*" and "*Types*" of Single Resources assembled to perform a particular tactical assignment.

A Resource Team must have:
a. A designated Leader; and,
b. Appropriate transportation if necessary; and,
c. Common communications between
   (1) The respective resources, and
   (2) The respective resources and the Leader, and
   (3) The Leader and the Leader's designated supervisor, e.g., Group Supervisor, Sector Supervisor, Branch Director, Section chief.

***NOTE*** *When assembling a Resource Team, CIMS Span of Control principles should not be violated.*

SPECIAL RESPONSE TEAM - any combination and number of **different** "*Kinds*" and "*Types*" of Single Resources assembled to perform a particular tactical assignment.

A Special Response Team must have:
a. A designated Leader; and,
b. Appropriate transportation if necessary; and,
c. Common communications between:
   (1) The respective resources, and
   (2) The respective resources and the Leader, and
   (3) The Leader and the Leader's designated supervisor, e.g., Group Supervisor, Sector Supervisor, Branch Director, Section chief.

***NOTE*** *When assembling a Special Response Team(s), CIMS Span of Control principles should not be violated.*

STATUS CONDITIONS
In order to maintain accurate current information regarding resource utilization and resource needs, all resources must be assigned a specific defined "*status*" condition. The three specific *status* conditions that are used for tracking resources at an incident are:

1. *Assigned*: Resources (personnel that have *Checked-In* and equipment that has been receipted for) assigned to an incident that are performing work tasks at the incident under the direction of a supervisor; or, in the case of equipment and facilities, resources that are performing a function supporting incident operations.
2. *Available*: Resources (personnel that have *Checked-In* and equipment that has been receipted for) assigned to an incident that are ready for an assignment / deployment; or, in the case of equipment and facilities,

**DEFINITIONS (continued)**

resources that are ready for a specific function. Resources in "*Available*" *status* awaiting a tactical or investigative assignment should be ready for deployment within three minutes.

3. *Out-of-Service*: Resources (personnel that have *Checked-In* and equipment that has been receipted for) assigned to an incident, that are not able to be assigned to a work task / function or *Available* for assignment to a work task / function due to mechanical, rest, illness, injury, staffing, environmental, financial, etc., reasons; or, because their condition makes them unusable. An *Out-of-Service* resource is not ready / capable of being in the *Available* or *Assigned status*.

RESOURCE *STATUS* CHANGES - Resource *status* is maintained and changed by the supervisor to whom the respective resource is assigned. Changes in resource *status* may be made by:

1. Command Element
2. Operations Section chief(s)
3. Branch Director(s)
4. Sector Supervisor(s)
5. Group Supervisor(s)
6. Resource Team and / or Special Response Team Leader(s)
7. When applicable Intelligence / Investigations Section chief
8. When applicable Intelligence / Investigations Section Group Supervisor(s)
9. Unit Leader(s)
10. Manager(s)

***NOTE*** *Any change in resource status that is longer than several minutes must be communicated to the appropriate CIMS organizational element. Absent extraordinary circumstances, the individual changing the status of the resource will ensure that the status change is promptly communicated through the appropriate chain of command to the individual or incident management organizational element responsible for maintaining / tracking the status of resources assigned to the incident.*

RESOURCE STATUS TRACKING SYSTEMS

a. Manual Records / Forms
b. Pre-formatted Resource Information Cards
c. Magnetic Symbols and Maps
d. Magnetic Symbols and Status Boards
e. Electronic Status Boards
f. Computer Applications, i.e., Spreadsheets, Databases, etc.

PLANNING SECTION / RESOURCES UNIT - All changes in the number, location and *status* of resources are promptly reported to the Resources Unit; or if not activated, the Planning Section chief; or if not activated, the Command Element.

***ADDITIONAL DATA***

*Appendix "A"*
*Examples of NYPD Single Resources:*

*Non-Supervisory uniformed member of the service, i.e., Officer*

*Supervisory uniformed member of the service, i.e., Sergeant, Lieutenant, Captain, etc.*

*Non-Supervisory civilian member of the service, i.e., School Safety Officer, Traffic Enforcement Agent, Motor Vehicle Operator, Police Administrative Aide, Police Communications Technician, etc.*

*Supervisory civilian member of the service, i.e., Traffic Supervisor Level I, Traffic Supervisor Level II, School Safety Agent Level III, Supervisor of School Security, Associate Supervisor of School Security, Senior Police Administrative Aide, Principal Administrative Associate, etc.*

*Squad: 1 Sergeant + 8 Police Officers*

*Mobile Field Force: 2 Squads to 6 Squads*

*Strategic Response Group / Mobile Field Force*

*Radio Motor Patrol Auto (RMP) + 2 Officers*

*Marked Van + crew*

*Scooter + operator*

*Patrol Wagon + crew*

*NYPD Ambulance + crew*

*Highway RMP + crew (1 Highway District Officer or 2 Highway District Officers)*

*Highway Motor Carrier Safety Unit RMP + crew*

*Motorcycle + operator*

*Motorcycle Squad: Usually 1 Highway District Sergeant + 5 Highway District Officers on Motorcycles*

*Mounted Unit Horse + Mounted Unit Officer*

*Mounted Unit Squad: Usually 1 Mounted Unit Sergeant + 5 Mounted Unit Officers on horses*

*Patrol Canine + K-9 Officer*

*Narcotics Detecting Canine + handler*

***ADDITIONAL DATA (continued)***

*Appendix "A" (continued)*

*Explosives Detecting Canine (EDC) + handler*

*Bomb Squad Robot / Remote Mobile Investigator (RMI) + crew*

*Total Containment Vessel (TCV): 1 ESU REP + crew towing 1 TCV*

*Bomb Squad Response Team: Van + 2 Bomb Squad Officers + EDC + Bomb Squad RMI*

*ESU Radio Emergency Patrol Vehicle (REP) + 2 ESU Officers*

*ESU Truck + crew*

*ESU Breathing Apparatus Truck (BAT) + crew*

*ESU Mobile Light Generator Truck (MLG) + crew*

*ESU Mobile Alternative Light Truck (MALT) + crew*

*ESU Photo Observation Truck (POT) + crew*

*ESU Construction Accident Response Vehicle (CARV) + crew*

*ESU Bearcat Armored Vehicle + crew*

*ESU Peace Keeper Armored Vehicle + crew*

*ESU Entry Team: 1 ESU Sergeant and 7 to 8 ESU Officers + appropriate vehicle(s)*

*ESU Counter Assault Car (CAT Car): Non descript Suburban vehicle + 1 ESU Sergeant and 4 ESU Officers*

*ESU Apprehension Team (A Team): Unmarked Truck + 1 ESU Sergeant and 7 to 10 ESU Officers*

*ESU Tactical Robot / Remote Mobile Investigator (RMI) + 2 ESU Officers*

*Aviation Unit Helicopter + crew*

*Harbor Unit Launch + crew*

*Technical Assistance Response Unit (TARU) Vehicle + crew*

*Barrier Truck + crew*

*Box Truck + crew*

*Tractor Trailer + crew*

**PURPOSE** To specify where arriving resources will initially be assigned at an incident.

**PROCEDURE** **<u>After formal *"Check In"*,</u>** arriving resources will initially be assigned to the following locations at an incident:

**STAGING AREA**

<u>Assignment to a Staging Area(s)</u>

1. After formal *Check-In*, incoming resources may be assigned to a Staging Area(s) for the following reasons:
   a. Resources may be assigned / deployed during the current Operational Period.
   b. Resources are needed to provide a reserve.
   c. Single Resources may be organized into Special Response Teams and / or Resource Teams prior to assignment / deployment.
2. As part of the planning process, the Operations Section chief will decide what number, *Kinds* and *Types* of resources will be situated at the Staging Area(s). This decision is based upon the need to retain and maintain adequate reserves to meet current needs and / or anticipated demands and / or unanticipated contingencies.
3. The Operations Section chief will brief the Staging Area Manager(s) regarding how the Staging Area(s) should be managed. This briefing should include:
   a. The number, *Kinds* and *Types* of resources that will be responding to the Staging Area(s).
   b. Communications procedures, devices, frequencies and measures that will be used.
   c. Minimum number of resources and specific *Kinds* and *Types* of resources that must be retained and maintained as reserves.
   d. Procedures for ordering / requesting additional resources.
   e. Estimated length of time the Staging Area(s) will be activated / utilized.
   f. Procedures for ordering / requesting logistics service and support.
4. The Staging Area Manager(s) must monitor the *status* of resources in the Staging Area(s), and inform the Operations Section chief :
   a. When minimum levels of resources are about to be reached;
   b. If any additional resources should be requested / ordered.
5. The Operations Section chief must be concerned about the cost, morale, and political implications of retaining and maintaining resources for long periods of time at one or more Staging Areas. This is particularly true regarding expensive equipment and personnel that have been rented / leased from private entities and resulting significant costs may possibly be incurred.

NYPD

**STAGING AREA (continued)**

6. After Check-In at a Staging Area, Single Resources will often be organized into Resource Teams and / or Special Response Teams, and deployed / assigned to incident related functions, operations and activities. The number, composition and deployments / assignments of the Resource Teams and Special Response Teams may continue for the entire incident, or they may change based upon incident needs.
7. Resource Teams and Special Response Teams created / organized at the incident should always be disassembled prior to release from the incident. In order to ensure proper resource accountability, each resource should be demobilized and leave the incident with the same resource designation, configuration and organization that the resource had upon arrival.

**SECTORS OR GROUPS**

Assignment to Sectors or Groups or Branches

1. After formal *Check-In*, during rapidly expanding incidents, tactical resources may immediately be assigned to the Operations Section; or, if activated, Sectors or Groups or Branches. In these situations, the tactical resources must always immediately report to the Operations Section chief or a designated Sector Supervisor or designated Group Supervisor or designated Branch Director to be given a specific assignment.
2. Outside of NYC, under NIMS ICS, during rapidly expanding incidents, prior to formal *Check-In*, tactical resources may be assigned directly to the Operations Section; or, if activated, directly to Sectors or Groups or Branches. In these situations, the tactical resources must report directly to a designated Sector Supervisor or designated Group Supervisor or designated Branch director to be given a specific assignment; and, formal *Check-In* will occur at a later time when the resource is assigned to a Staging Area or is in *Out-of Service status*. NIMS ICS acknowledges that this is not the preferred way of deploying arriving additional resources.

**INCIDENT BASE**

Assignment to the Incident Base

1. Absent extraordinary circumstances, an Incident Base will not be activated in New York City.
2. Outside of NYC, under NIMS ICS, after formal *Check-In*, tactical resources are often assigned to the Incident Base when the resources are not scheduled for use during the current Operational Period.
3. Outside of NYC, under NIMS ICS, for resources that have traveled a significant distance, are assigned to the Incident Base in an *Out-of-Service status* in order to provide time for briefings and rest / rehabilitation prior to being deployed to an assignment during the subsequent Operational Period.

UNITED

# CITYWIDE INCIDENT MANAGEMENT SYSTEM (CIMS) - 201 INCIDENT BRIEFING FORM (ICS FORM 201)

**PURPOSE** To properly document the response and summarize the actions taken at the scene of an emergency incident in which the Citywide Incident Management System (CIMS) has been implemented.

**SCOPE** Proper preparation of the **CIMS 201 Incident Briefing Form** (see Appendix "A" and form attached) provides basic information regarding the emergency incident and the resources allocated to the emergency incident. The Form will serve as a reference document for the initial emergency incident response, summarize the actions taken at the scene and will be the source document that will be used to prepare a written Incident Action Plan (IAP), if a written IAP is necessary. The Incident Briefing Form will not be a component of the IAP for preplanned events.

**PROCEDURE** When managing an emergency incident under *Patrol Guide 220 Series, "Citywide Incident Management System"*:

**INCIDENT COMMANDER**

1. Direct and ensure the **CIMS 201 Incident Briefing Form** is prepared on all emergency incidents when:
   a. Directed by a captain or above based on the magnitude, type, severity and duration of the emergency incident
   b. It is likely that the emergency incident will extend beyond one "Operational Period"
   c. The response to emergency incident exceeds four hours and results in the allocation of significant resources and or personnel
   d. A Unified Command-Command Element is established
   e. The NYPD is the Incident Commander in a Single Command-Command Element; and several Supporting Agencies are significantly involved in the emergency incident management efforts
   f. An Incident Management Team (IMT) is activated to manage the emergency incident.
2. Attach a copy of the **CIMS 201 Incident Briefing Form** to the **UNUSUAL OCCURRENCE REPORT (PD370-152)** or **Typed Letterhead**, if prepared.
   a. If **UNUSUAL OCCURRENCE REPORT** or **Typed Letterhead** is not prepared, file **CIMS 201 Incident Briefing Form** at the precinct of occurrence.

***NOTE*** *The information from the **CIMS 201 Incident Briefing Form** can be used as a reference or source document for the preparation of a written **Incident Action Plan (IAP)**.*

*The following describes how the four pages of the **CIMS 201 Incident Briefing Form** can be used in future forms or documents:*

***Page 1-*** *Map/Sketch: may be used as the Situation Map.*

***NOTE (continued)***

***Page 2-*** *Incident Objectives: may be used to prepare **CIMS 202 Incident Objectives Form**.*
*Summary of Current Actions: may be used to continue tracking the response actions and as a reference document for the **CIMS 215 Operational Planning Worksheet**.*

***Page 3-*** *Current Organization: may be used as a reference document for the **CIMS 203 Organization Assignment List** and/or **CIMS 207 Organizational Chart**.*

***Page 4-*** *Resources Summary: may be used to continue tracking resources assigned to the incident.*

***ADDITIONAL DATA***

*After the initial briefing of the Command Element (Single or Unified), Command Staff officers and General Staff Section chiefs, the **CIMS 201 Incident Briefing Form** shall be duplicated and distributed as necessary to the Branch Directors, Sector/Group Supervisors and appropriate Planning and Logistics Section Unit Leaders.*

*The sketch map and summary of current action portions (pages 1, 2) of the **CIMS 201 Incident Briefing Form** will be provided to the Planning Section / Situation Unit, if activated.*

*The Current Organization and Resources Summary portions (pages 3, 4) will be provided to the Planning Section / Resource Unit, if activated.*

*All completed original forms **MUST** be forwarded to the Planning Section / Documentation Unit, if activated.*

*Copies of all **Incident Action Plans** will be forwarded to and archived at the Office of the Chief of Patrol.*

***RELATED PROCEDURES***

*Citywide Incident Management System (CIMS) (P.G. 220 Series)*
*Unusual Occurrence Reports (P.G. 212-09)*

***FORMS AND REPORTS***

***CIMS 201 Incident Briefing Form (ICS Form 201)***
***CIMS 202 Incident Objectives Form***
***CIMS 203 Organization Assignment List***
***CIMS 207 Organizational Chart***
***CIMS 215 Operational Planning Worksheet***
***Incident Action Plan (IAP)***
***Typed Letterhead***
***UNUSUAL OCCURRENCE REPORT (PD370-152)***

## APPENDIX "A"

### *Preparation of CIMS 201 Incident Briefing Form (ICS Form 201)*

| Caption # | Caption Title | Instructions |
|---|---|---|
| 1. | Incident Name | Enter the name assigned to the incident. |
| 2. | Date | Enter date prepared (month, day, and year). |
| 3. | Time | Enter time of incident. |
| 4. | Incident Location | Enter incident location. |
| 5. | Precinct | Enter Precinct of incident. |
| 6. | Box | Fire box number and location. |
| 7. | Map/Sketch | Show the total Area of Operations, the incident site, etc. |
| 8. | Prepared by | Enter the name and position of the person completing the form. |
| 9. | Date<br>Time | Enter date prepared (month, day, and year).<br>Enter time prepared (24-hour clock). |
| 10. | Initial Incident Objectives | Enter short, clear, concise statements of the objectives, for managing the initial response. |
| 11. | Summary of Current Actions | Enter the actions taken in response to the incident, including the time and note any significant events or specific problem areas. |
| 12. | Current Organization | Enter, on the organization chart, the names of the individuals assigned to each position. Modify the chart as necessary, using additional boxes in the space provided under the Sections. Utilize the blank lines provided for a Unified Command for adding other agencies or responsible parties. |
| 13. | Resource Summary | Enter the following information about the resources allocated to the Incident: |
| | Resources Needed | Description of the resource needed. |
| | Time Ordered | Time ordered (24-hour clock). |
| | Resource Identifier | Identifier for the resource (e.g., radio call-sign, vessel name, vendor name, license plate, etc.). |
| | ETA | Estimated time for the resources to arrive at the staging area. |
| | On-Scene | "X" Upon the resource's arrival. |
| | Location/Assignment | Location of the resource, the actual assignment, the status of the resource (if other than working) and the contact name and number of resource. |

***NOTE*** *Additional pages may be added to the **CIMS 201 Incident Briefing Form**, if needed. All copies of the **CIMS 201 Incident Briefing Form** should be attached to the **UNUSUAL OCCURRENCE REPORT**.*

## INCIDENT BRIEFING

CIMS
Citywide Incident Management System

| 1. Incident Name | 2. Date | 3. Time |
|---|---|---|
| 4. Incident Location | 5. Precinct | 6. Box |

**7. Map Sketch**
(Include maps drawn here or attached, showing the total area of operations, the incident site / area, affected areas and / or other graphics depicting situational and response status)

| 8. Prepared By | 9. Date / Time Prepared |
|---|---|

| 1. Incident Name | 2. Date | 3. Time |
|---|---|---|
| 4. Incident Location | 5. Precinct | 6. Box |

| 10. Initial Incident Objectives |
|---|
| |

| 11. Summary of Current Actions | |
|---|---|
| Time | Action / Note |
| | |

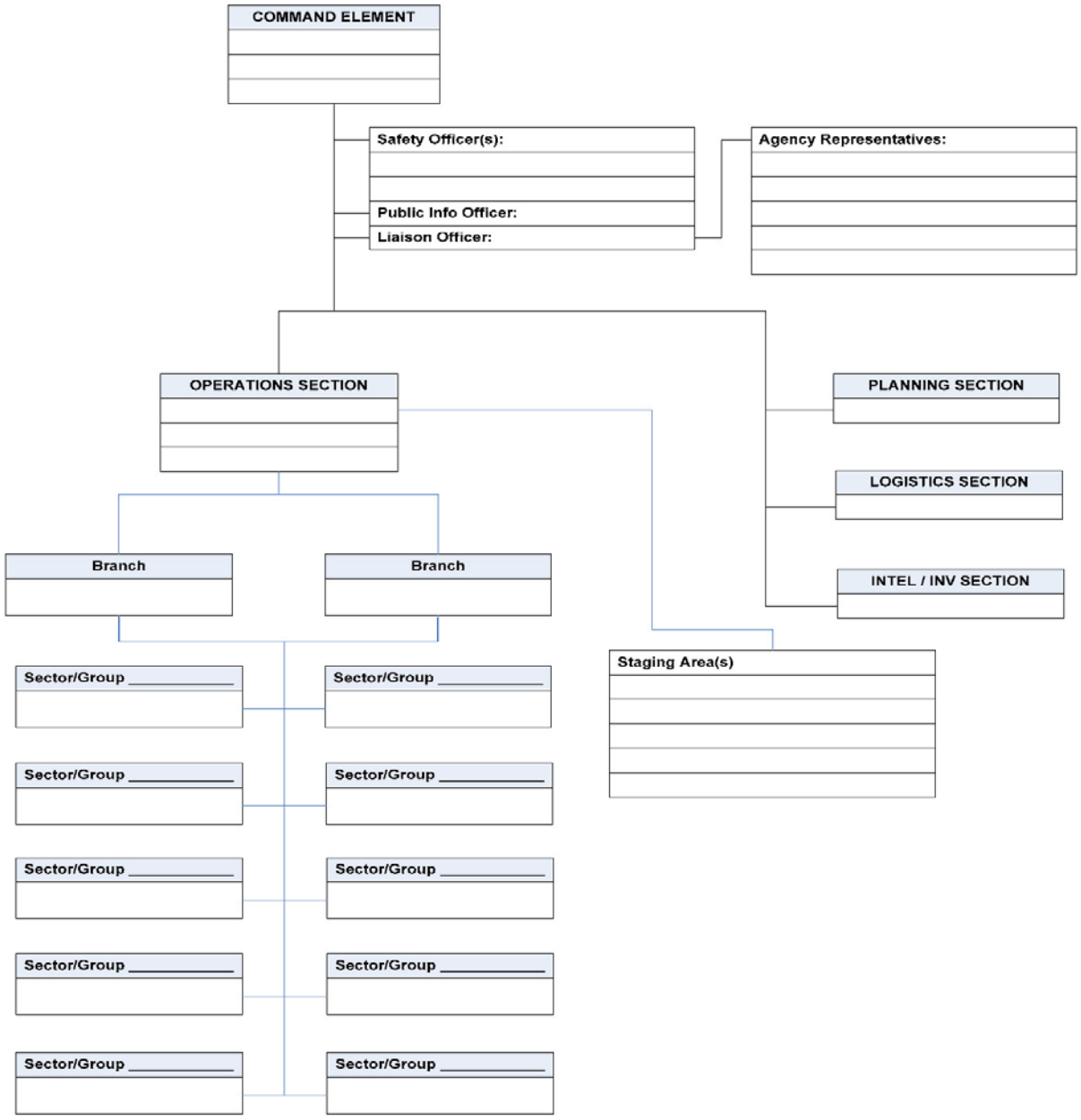
| 8. Prepared By | 9. Date / Time Prepared |
|---|---|
| | |

**INCIDENT BRIEFING**
**Page 2 of 4**

**ICS 201**
December 2005

| 1. Incident Name | 2. Date | 3. Time |
|---|---|---|
| 4. Incident Location | 5. Precinct | 6. Box |

12. Current Organization




| 8. Prepared By | 9. Date / Time Prepared |
|---|---|

| 1. Incident Name | 2. Date | 3. Time |
|---|---|---|
| 4. Incident Location | 5. Precinct | 6. Box |

**13. Resources Summary**

| Resources Ordered | Resource Identification | ETA | On-Scene ☑ | Location / Assignment |
|---|---|---|---|---|
| | | | | |
| | | | | |
| | | | | |

# CITYWIDE INCIDENT MANAGEMENT SYSTEM (CIMS) INCIDENT MANAGEMENT TEAM (IMT) ACTIVATION/DEPLOYMENT PROTOCOL

**PURPOSE** To activate and deploy an Incident Management Team (IMT) at an emergency incident or planned event.

**SCOPE** When managing an emergency incident or planned event under *Patrol Guide 220 Series, "Citywide Incident Management System:"*

a. A NYPD Citywide Incident Management Team may be activated by the Police Commissioner, First Deputy Commissioner or the Chief of Department, based on the size, complexity and duration of the emergency incident or planned event.

b. A NYPD Borough Incident Management Team may be activated by the Chief of Patrol, or Patrol Borough Commander concerned, for an emergency incident or planned event occurring within their jurisdiction, or in his / her absence the Duty Chief, based on the size, complexity and duration of the emergency incident or planned event.

c. A NYPD Transit Bureau Incident Management Team may be activated by the Chief of Transit concerning an emergency incident or planned event occurring within the Transit jurisdiction, or in his / her absence the Duty Chief, based on the size complexity and the duration of the emergency incident or planned event.

d. A NYPD Housing Bureau Incident Management Team may be activated by the Chief of Housing concerning an emergency incident or planned event occurring within the Housing jurisdiction, or in his / her absence the Duty Chief, based on the size, complexity and the duration of the emergency incident or planned event.

**DEFINITIONS** INCIDENT MANAGEMENT TEAM (IMT) – The Command Element and the appropriate Command Staff and General Staff personnel assigned to an incident. (NIMS)

COMMAND ELEMENT – The individual(s) responsible for performing the Command function in an incident management organization. (CIMS)

COMMAND STAFF – The Command Staff consists of:

- Public Information officer
- Safety officer
- Liaison officer

**DEFINITIONS (continued)**

GENERAL STAFF – The General Staff consists of:

- Operations Section chief
- Planning Section chief
- Logistics Section chief
- Finance / Administration Section chief
- Intelligence / Investigations Section chief

INCIDENT ACTION PLAN (IAP) – Contains Incident Objectives reflecting the overall incident strategy and specific tactical actions and supporting information for the next Operational Period. The Plan may be oral or written. When written, the Plan may have a number of forms as attachments (e.g., traffic plan, safety plan, communications plan, map, etc.).

OPERATIONAL PERIOD – The period of time scheduled for execution of a given set of operation actions as specified in the Incident Action Plan. Operational Periods can be of various lengths, although usually not over twenty-four hours. (CIMS)

***ADDITIONAL DATA***

*The following is a list of situations that may require the activation / deployment of a Citywide, Borough or Bureau IMT:*

*a. The Department activates "Stand Alone" protocols according to the type, severity and the anticipated duration of an emergency incident or planned event. The Police Commissioner may activate the Citywide IMT to act as the Area Command at the Emergency Operations Center (ECO), and the affected Borough(s) or Bureau(s) may activate their Borough or Bureau IMT(s).*

*b. It is likely an emergency incident or planned event will extend into multiple Operational Periods (beyond twenty-four hours). A formal written Incident Action Plan (IAP) will be required.*

***NOTE*** *In all cases where emergency incident or planned event extends into multiple Operational Periods (beyond twenty-four hours), a formal written Incident Action Plan (IAP) will be required.*

*c. A Unified Command – Command Element is established, utilizing resources from multiple agencies in the mitigation of an incident and the duration is expected to exceed twenty-four hours.*

*d. A Declaration of Disaster has been made, as defined in the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Public Law 93-288) as amended.*

*e. A National Special Security Event is scheduled to occur in New York City (e.g., UNGA, RNC).*

***ADDITIONAL DATA (continued)***

*f. An Incident of National Significance occurs outside New York City that could have a substantial impact on New York City (e.g., terrorist attack, prolonged utility outages in the surrounding region, mass transportation interruptions).*

*g. Substantial resources are required from city, state and / or federal agencies to manage an emergency incident.*

*h. A natural disaster occurs that affects New York City or the surrounding areas and requires the coordination of substantial resources (e.g., hurricane, floods).*

*i. An incident occurs that creates a significant health risk to a large segment of the population of New York City or the surrounding areas (e.g., Pandemic Influenza, HazMat, CBRN).*

*j. A civil disturbance type incident occurs and requires significant Department resources to manage the incident.*

***RELATED PROCEDURES***

*Mobilizations/Emergency Incidents (P.G. 213 Series)*
*Rapid Mobilization (P.G. 213-03)*
*Citywide Incident Management System (CIMS) (P.G. 220 Series)*
*CIMS: Command Element (P.G. 220-05)*
*CIMS: Public Information Officer (P.G. 220-06)*
*CIMS: Safety Officer (P.G. 220-07)*
*CIMS: Liaison Officer (P.G. 220-08)*
*CIMS: Operations Section Chief (P.G. 220-09)*
*CIMS: Planning Section Chief (P.G. 220-10)*
*CIMS: Logistics Section Chief (P.G. 220-11)*
*CIMS: Finance/Administration Section Chief (P.G. 220-12)*
*CIMS: Intelligence/Investigations Section Chief (P.G. 220-13)*

***FORMS AND REPORTS***

***Incident Action Plan (IAP)***

NYPD

**SCOPE**

**<u>The primary duty of all members of the service (MOS) is to protect human life, including the lives of individuals being placed in police custody.</u>** Force may be used when it is reasonable to ensure the safety of a member of the service or a third person, or otherwise protect life, or when it is reasonable to place a person in custody or to prevent escape from custody. In all circumstances, any application or use of force must be reasonable under the circumstances. All members of the service at a police incident must use reasonable force, employ less lethal alternatives, and prioritize de-escalation, whenever possible. If the force used is unreasonable under the circumstances, it will be deemed excessive and in violation of Department policy.

When appropriate and consistent with personal safety, members of the service will use de-escalation techniques to safely gain voluntary compliance from a subject to reduce or eliminate the necessity to use force. In situations in which this is not safe and/or appropriate, MOS will use only the reasonable force necessary to gain control or custody of a subject. The use of deadly physical force against a person can only be used to protect MOS and/or the public from imminent serious physical injury or death.

In determining whether the use of force is reasonable, members of the service should consider the following:

a. The nature and severity of the crime/circumstances
b. Actions taken by the subject
c. Duration of the action
d. Immediacy of the perceived threat or harm to the subject, members of the service, and/or bystanders
e. Whether the subject is actively resisting custody
f. Whether the subject is attempting to evade arrest by flight
g. Number of subjects in comparison to the number of MOS
h. Size, age, and condition of the subject in comparison to the MOS
i. Subject's violent history, if known
j. Presence of hostile crowd or agitators
k. Subject apparently under the influence of a stimulant/narcotic which would affect pain tolerance or increase the likelihood of violence.

All MOS are responsible and accountable for the proper use of force. The application of force <u>must</u> be consistent with existing law and with the New York City Police Department's policies, even when Department policy is more restrictive than state or federal law. Depending upon the circumstances, both federal and state laws provide for criminal sanctions and civil liability against MOS when force is deemed excessive, wrongful, or improperly applied.

**SCOPE (continued)**

Excessive force will not be tolerated. MOS who use excessive force will be subject to Department discipline, up to and including dismissal.

Failure to intervene in the use of excessive force, or report excessive force, or failure to request or to ensure timely medical treatment for an individual is serious misconduct that may result in criminal and civil liability and will result in Department discipline, up to and including dismissal. If a member of the service becomes aware of the use of excessive force or failure to request or to ensure timely medical treatment for an individual, the member must report such misconduct to the Internal Affairs Bureau Command Center. This report can be made anonymously.

***NOTE***

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

**DEFINITIONS**

DE-ESCALATION - Taking action in order to stabilize a situation and reduce the immediacy of the threat so that more time, options, and/or resources become available (e.g., tactical communication, requesting a supervisor, additional MOS and/or resources such as Emergency Service Unit or Hostage Negotiation Team, etc.). The goal is to gain the voluntary compliance of the subject, when appropriate and consistent with personal safety, to reduce or eliminate the necessity to use force.

OBJECTIVELY REASONABLE STANDARD - The reasonableness of the use of force is based upon the totality of the circumstances known by the MOS at the time of the use of force. The Department examines the reasonableness of force viewed from the perspective of a member with similar training and experience placed into the same circumstances as the incident under investigation.

EXCESSIVE FORCE - Use of force deemed by the investigating supervisor as greater than that which a reasonable officer, in the same situation, would use under the circumstances that existed and were known to the MOS at the time force was used.

PROHIBITED METHODS OF RESTRAINT - Sitting, kneeling, or standing on the chest or back of a subject in a manner that compresses the diaphragm, thereby reducing the subject's ability to breathe.

CHOKEHOLD - A chokehold shall include, but is not limited to, any pressure to the throat, carotid artery or windpipe, which may prevent or hinder breathing, or reduce intake of air or blood flow.

VEHICLE RAMMING ATTACK (VRA) – A form of attack in which a perpetrator deliberately rams a motor vehicle into a crowd of people or building.

**PROCEDURE** To provide members of the service with the Department's force/restraint and firearm prohibitions:

**PROHIBITIONS**

**UNIFORMED MEMBER OF THE SERVICE**

1. Uniformed members of the service are authorized under New York State law to discharge a firearm to prevent or terminate the unlawful use of force that may cause death or serious physical injury, taking into account the below prohibitions imposed by the Department.
   Members of the service **SHALL NOT**:
   a. Discharge a firearm when, in the professional judgment of a reasonable member of the service, doing so will unnecessarily endanger innocent persons
   b. Discharge firearms in defense of property
   c. Discharge firearms to subdue a fleeing felon who presents no threat of imminent death or serious physical injury to the MOS or another person present
   d. Fire warning shots
   e. Discharge firearm to summon assistance, except in emergency situations when someone's personal safety is endangered and no other reasonable means to obtain assistance is available
   f. Discharge their firearms at or from a moving vehicle unless deadly physical force is being used against the member of the service or another person present, by means other than a moving vehicle
   g. Discharge firearm at a dog or other animal, except to protect a member of the service or another person present from imminent physical injury and there is no opportunity to retreat or other reasonable means to eliminate the threat
   h. Cock a firearm. Firearms must be fired double action at all times.

***NOTE*** *Drawing a firearm prematurely or unnecessarily limits a uniformed member of the service's options in controlling a situation and may result in an unwarranted or accidental discharge of the firearm. The decision to display or draw a firearm should be based on an articulable belief that the potential for serious physical injury is present. Members of the service, when feasible, should issue an appropriate verbal warning, consistent with personal safety, to the intended subject and other members of the service present prior to discharging a firearm. When a uniformed member of the service determines that the potential for serious physical injury is no longer present, the uniformed member of the service will holster the firearm as soon as practicable.*

2. Members of the service **SHALL NOT**:
   a. Use a prohibited method of restraint
   b. Use a chokehold
   c. Use any level of force to punish, retaliate or coerce a subject to make statements
   d. Use any level of force on handcuffed or otherwise restrained subjects unless necessary to prevent injury, escape or to overcome active physical resistance or assault

***NOTE*** *A Conducted Electrical Weapon (CEW) should never be used in CARTRIDGE or DRIVE STUN mode on a rear-cuffed prisoner as per P.G. 221-08, "Use of Conducted Electrical Weapons (CEW)."*

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

e. Connect or tie rear-cuffed hands to cuffed or restrained ankles or legs

f. Transport a subject facedown

g. Use force to prevent a subject from swallowing alleged controlled substance or other substance, once a subject has placed suspected controlled substance in his or her mouth, or forcibly attempt to remove substance from subject's mouth or other body cavity.

***NOTE*** *Members who are subject to investigation, the subject of disciplinary action, civil action, or a civilian complaint related to a violation of the above prohibitions may submit a request for review of the circumstances to the Use of Force Review Board. The Use of Force Review Board will review the facts and circumstances and make a final determination of whether the force used was reasonable under the circumstances and within guidelines. The review may find that under exigent or exceptional circumstances, the use of the prohibited action may have been justified and within guidelines (e.g., a "vehicle ramming attack" is a type of extraordinary event that this clause is intended to address. The objectively reasonable use of deadly physical force to terminate a mass casualty terrorist event would be legally justified and within Department guidelines).*

*When a uniformed member of the service observes or suspects that a prisoner has ingested a narcotic or other dangerous substance, the prisoner will be transported from the place of arrest DIRECTLY to the nearest hospital facility.*

NYPD

**PURPOSE** To provide guidelines for members of the service (MOS) regarding the use of force, and ensure that each use of force is properly reported and documented.

**DEFINITIONS**

DE-ESCALATION - Taking action to stabilize the situation and reduce the immediacy of the threat so that more time, options, and/or resources become available (e.g., tactical communication, requesting a supervisor, additional MOS and/or resources such as Emergency Service Unit or Hostage Negotiation Team, etc.). The goal is to gain the voluntary compliance of the subject, when appropriate and consistent with personal safety, to reduce or eliminate the necessity to use force.

ACTIVE RESISTING - Includes physically evasive movements to defeat a member of the service's attempt at control, including bracing, tensing, pushing, or verbally signalling an intention to avoid or prevent being taken into or retained in custody.

ACTIVE AGGRESSION - Threat or overt act of an assault (through physical or verbal means), coupled with the present ability to carry out the threat or assault, which reasonably indicates that an assault or injury to any person is imminent.

PASSIVE RESISTANCE - Minimal physical action to prevent a member from performing their lawful duty. For example, a subject failing to comply with a lawful command and stands motionless and/or a subject going limp when being taken into custody.

RESISTING ARREST (NYS PENAL LAW) - A person is guilty of resisting arrest when he intentionally prevents or attempts to prevent a police officer or peace officer from effecting an authorized arrest of himself or another person.

PROHIBITED METHODS OF RESTRAINT - Sitting, kneeling, or standing on the chest or back of a subject in a manner that compresses the diaphragm, thereby reducing the subject's ability to breathe.

**PROCEDURE** When a member of the service must gain compliance, control, or custody of an uncooperative subject, the member should comply with *P.G. 221-01, "Force Guidelines"* and:

**UNIFORMED MEMBER OF THE SERVICE**

1. Take necessary action to protect life and personal safety of all persons present, including subjects being placed into custody.
2. Utilize de-escalation techniques when appropriate and consistent with personal safety, which may reduce or eliminate the need to use force, and increase the likelihood of gaining the subject's voluntary compliance.
3. Isolate and contain the subject, if appropriate.

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

4. Immediately request a supervisor to respond, as soon as appropriate and safety permits.
5. Request additional members, as necessary, to control situation.
6. Request the response of the Emergency Service Unit, if appropriate.

***NOTE*** *MOS should consider whether a subject's lack of compliance is a deliberate attempt to resist, or alternatively, an inability to comply, resulting from factors including, but not limited to, medical condition, mental impairment, developmental disability, physical limitation, language barrier, and/or drug interaction.*

7. Comply with *P.G. 221-13, "Mentally Ill or Emotionally Disturbed Persons,"* if the subject is acting in a manner that would lead the member of service to believe that the subject is emotionally disturbed or under the influence of a mind-altering substance.

**SUPERVISOR ON SCENE**

8. Assume command of the incident and coordinate the use of de-escalation techniques, if appropriate and consistent with officer safety.
9. Direct tactics to minimize the possibility of injury to members of the service, the subject, or bystanders.

**UNIFORMED MEMBER OF THE SERVICE/ SUPERVISOR ON SCENE**

10. If the use of de-escalation and conflict negotiation techniques fail to persuade an uncooperative subject to cooperate, the supervisor/members of the service present should, if appropriate and consistent with officer safety:
    a. Advise the offender that he/she will be charged with the additional offense of resisting arrest
    b. Devise a tactical plan with members present to restrain the subject while minimizing the possibility of injury to members of the service, the subject, and bystanders
    c. Advise the offender that physical force or other devices (e.g., O.C. pepper spray, shield, baton/asp, etc.) will be used to handcuff/restrain him/her before applying such force, if appropriate.

***NOTE*** *Members of the service should not use O.C. Pepper Spray, Conducted Electrical Weapon, or impact weapons on persons who are passively resisting.*

11. Apply no more than the reasonable force necessary to gain control.
    a. Sitting, kneeling, or standing on the chest or back of a subject in a manner that compresses the diaphragm, thereby reducing the subject's ability to breathe, is strictly prohibited.
12. Assess the situation continually and adjust the use of force as necessary.

***NOTE*** *All members of the service must intervene to stop another member of the service from using excessive force. Failure to intervene in the use of excessive force, or report excessive force, or failure to request or to ensure timely medical treatment for an individual is serious misconduct that may result in criminal and civil liability and will result in Department discipline, up to and including dismissal. If a member of the*

***NOTE (continued)***

*service becomes aware of the use of excessive force or failure to request or to ensure timely medical treatment for an individual, the member must report such misconduct to the Internal Affairs Bureau Command Center. This report can be made anonymously.*

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

**UNIFORMED MEMBER OF THE SERVICE**

13. Rear-cuff the subject, when practical.
    a. If it is safer for the member of the service and the subject, the member of the service may front-cuff the subject initially, and then rear-cuff as soon as it is practical and safety allows.
    b. If members of the service are having difficulty rear-cuffing a subject, Department issued leg restraints or Velcro straps to immobilize the legs of a subject may be used as an effective tactic to gain control, limit the subject's ability to flee or harm other individuals, and allow the subject to be safely rear-cuffed with minimal force.

***NOTE***

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

14. Position the subject to promote free breathing, as soon as safety permits, by sitting the person up or turning the person onto his/her side.
15. Observe the subject closely for injuries, signs of serious illness, or difficulty breathing.
16. Whenever any level of force is used, inquire if subject requires medical attention and document response to inquiry in digital **Activity Log**.
17. If the subject is injured or ill, ensure subject receives proper medical attention.
18. Ensure subject receives immediate medical attention and provide first aid, if appropriate and properly trained, if subject is having difficulty breathing or demonstrates any potentially life-threatening symptoms or injuries.
19. If the location of the police action is poorly lit, use a flashlight or other source of illumination to maintain a clear view of the subject at all times.
20. Notify immediate supervisor regarding the type of force used, the reason force was used, and injury to any person involved.
21. Document use of force in digital **Activity Log**.

**IMMEDIATE SUPERVISOR**

22. Perform duties of the "immediate supervisor" as per *P.G. 221-03, "Reporting and Investigation of Force Incident or Injury to Persons During Police Action,"* when notified or after becoming aware of any use of force incident.

***RELATED PROCEDURES***

*Reporting and Investigation of Force Incident or Injury to Persons During Police Action (P.G. 221-03)*
*Force Guidelines (P.G. 221-01)*
*Mentally Ill or Emotionally Disturbed Persons (P.G. 221-13)*
*Member of the Service Subjected to Force While Performing Lawful Duty (P.G. 221-06)*

***FORMS AND REPORTS***

***STOP REPORT (PD383-151)***
***ON LINE BOOKING SYSTEM ARREST WORKSHEET (PD244-159)***
***MEDICAL TREATMENT OF PRISONER (PD244-150)***
***AIDED REPORT***

NYPD
POLICE DEPARTMENT CITY OF NEW YORK

| Section: Tactical Operations | | Procedure No: 221-03 | |
|---|---|---|---|
| **REPORTING AND INVESTIGATION OF FORCE INCIDENT OR INJURY TO PERSONS DURING POLICE ACTION** | | | |
| DATE ISSUED: 07/01/20 | DATE EFFECTIVE: 07/01/20 | REVISION NUMBER: | PAGE: 1 of 11 |

**PURPOSE** To properly record and investigate certain use of force incidents by members of the service/auxiliary members, and/or injuries to persons sustained as a result of police action, or while in police custody.

**SCOPE** Use of force and injury incidents as defined herein involving members of the service, including use of force by members of the service, suspected or alleged excessive force, and injuries/fatalities sustained by civilian non-members of the service or bystanders during police action, while an individual is in police custody, during apprehension or immediately prior to police custody.

**DEFINITIONS** SUBJECT - An individual who is the target, or focus, of police action, including a suspect, perpetrator, or prisoner, and any person that a member is attempting to direct or maintain custody or control over (i.e., disorderly person/group, emotionally disturbed person, etc.).

CIVILIAN/NON-MEMBER/BYSTANDER - Any non-employee of the Department who is not the intended subject of police action but is inadvertently injured by the actions of the police.

IMMEDIATE SUPERVISOR - An available supervisor, who was not involved in the incident, from same command as member(s) of the service involved in the use of force/injury incident. The immediate supervisor must be at least one rank higher than all involved members. In the event that no supervisor in an appropriate rank is available, the duty captain will determine who will be responsible for being the immediate supervisor.

INVESTIGATING SUPERVISOR - For Level 2 incidents, the commanding officer/executive officer of the command concerned, or duty captain as directed by the Internal Affairs Bureau Command Center, will supervise the investigation. For Level 3 incidents, the ranking officer from the Internal Affairs Bureau will supervise the investigation. For Level 4 incidents, the ranking officer from the Force Investigation Division will supervise the investigation.

PHYSICAL ILLNESS/INJURY - Impairment of physical condition, and/or substantial protracted pain, including: minor swelling, contusions, lacerations, and/or abrasions.

SERIOUS PHYSICAL INJURY/ILLNESS - Physical injury or illness that creates a substantial risk of death, or which causes serious and protracted disfigurement, protracted impairment of health, or protracted loss or impairment of function of any bodily organ/limb. For the purposes of this procedure, the following conditions apply:

a. Broken/fractured bone(s)
b. Aneurysm

**DEFINITIONS (continued)**

c. Injury requiring hospital admission
d. Heart attack, stroke
e. Other life threatening illness or injury.

ACTIVE RESISTING - Includes physically evasive movements to defeat a member of the service's attempt at control, including bracing, tensing, pushing, or verbally signaling an intention to avoid or prevent being taken into or retained in custody.

**FORCE INCIDENT LEVELS**

LEVEL 1

a. Hand strikes and foot strikes
b. Forcible take-downs
c. Wrestling/grappling with subject who is actively resisting
d. Discharge of Oleoresin Capsicum (O.C.) pepper spray
e. Use of a mesh restraining blanket
f. Use, or discharge, of a Conducted Electrical Weapon (CEW) in "cartridge mode"
g. Physical injury to any subject, and/or civilian, non-member, or bystander that resulted from police action.

LEVEL 2

The commanding officer/executive officer/duty captain must respond and investigate the following (unless superseded by the authority of the Internal Affairs Bureau, or Force Investigation Division):

a. Intentional striking of a person with any object (e.g., baton, other equipment, vehicle, etc.)
b. Police canine bite
c. Use, or discharge, of Conducted Electrical Weapon (CEW) in "Drive Stun" mode
d. Any prohibited act as outlined in *P.G. 221-01, "Force Guidelines,"* other than those that result in a serious physical injury (Level 3), or involve the discharge of a firearm (Level 4)
e. Allegations or suspicions of excessive force (whether or not an injury is apparent)
f. Attempted suicide by prisoner, whether or not an injury is apparent (unless prisoner sustains a serious physical injury)
g. Physical injury to any subject, and/or civilian, non-member or bystander consistent with the application of Level 2 force (e.g., contusions indicative of baton strikes, etc.)
h. Unconsciousness, loss of a tooth/teeth, application of stitches/staples.

***NOTE*** *The commanding officer/executive officer/duty captain may utilize the Patrol Borough or Bureau Investigations Unit to assist with investigation, when appropriate. If the commanding officer/executive officer/duty captain is not able to complete all necessary investigative steps, and/or determines that additional investigation is required, the case will be assigned to the appropriate investigations unit by the Internal Affairs Bureau.*

**DEFINITIONS (continued)**

LEVEL 3

Internal Affairs Bureau investigators must respond, conduct investigation, and complete required reports for the following (unless superseded by the investigative authority of the Force Investigation Division):

a. Use of force that is readily capable of causing death or serious physical injury (other than a police firearm discharge)
b. Allegations or suspicion of excessive force resulting in a serious physical injury
c. Attempted suicide by prisoner resulting in serious physical injury
d. Serious physical injury to any subject, and/or civilian, non-member of the service, bystander that resulted from police action.

LEVEL 4

Force Investigation Division must respond, conduct investigation and complete required reports for the following:

a. All firearms discharges by uniformed members of the service (including intentional discharges, unintentional discharges and self-inflicted gunshot wounds)
b. Any discharge of a uniformed member of the service's firearm fired by someone other than the uniformed member of the service
c. All incidents in which a subject of police action, and/or civilian/non-member of the service/bystander is seriously injured and likely to die or dies while in police custody, during apprehension, or immediately prior to police custody, including:
   (1) Police force or restraint may be a factor in death
   (2) Suicide (e.g., prisoner commits suicide in holding cell, etc.)
   (3) Accidental (e.g., drug overdose or reaction to medicine, etc.)
   (4) Apparent natural causes (e.g., heart failure, asthma attack, other natural causes, etc.).

***NOTE*** *The precinct detective squad will respond to incidents involving police firearm discharges, as well as incidents in a which a person is seriously injured and likely to die, or dies, in police custody, during apprehension, or immediately prior to police custody and commence the investigation. The Force Investigation Division (FID) supervisor will coordinate the transition of investigation with the precinct detective squad supervisor. FID is responsible for all aspects of the firearm discharge investigation, including identifying, arrest processing, debriefing and enhancement of all suspects. Until arrival of an FID supervisor, the highest ranking member of the Detective Bureau will be in command of investigation. The Detective Bureau is responsible for the investigation of a homicide of a member of the service.*

**PROCEDURE**

When a member of the service uses any level of reportable force, excessive force is suspected or alleged, and/or a subject, civilian, non-member of the service or bystander sustains an injury as defined herein in connection with police action including, but not limited to:

a. Subjects who sustain a self-inflicted injury during apprehension or while in the custody of the Department

**PROCEDURE (continued)**

b. Subjects who are injured or die during apprehension

c. Subjects who are injured or die while in the care and custody of the Department (e.g., injured in prisoner holding cell, injured while being transported in Department vehicle, etc.)

d. Subjects who attempt suicide, or die by suicide while in Department custody

e. Any civilian, non-member of the service or bystander who sustains an injury or dies as a result of police action

f. Any subject or civilian, non-member of the service or bystander who sustains an injury or dies prior to custody when custody is being contemplated or attempted (e.g., emotionally disturbed person who jumps from an elevated structure, perpetrator falls from window during search warrant entry, etc.).

**MEMBER OF THE SERVICE**

1. Comply with *P.G. 221-02, "Use of Force,"* if applicable.
2. Take appropriate action to stabilize situation and/or apprehend perpetrators.
3. Obtain medical attention for any person injured.
4. Notify immediate supervisor regarding type of force used, reason force was used, and injury to any person involved, if applicable.
5. Document any use of force and/or injury in digital **Activity Log**.

**IMMEDIATE SUPERVISOR**

6. Review facts and circumstances surrounding incident, and provide pertinent details to desk officer.
7. Make prompt assessment of circumstances and determine level of force and/or type of injury for purposes of reporting and appropriate investigation required.
8. Establish crime scene for Level 3 and Level 4 force incidents as per *P.G. 212-04, "Crime Scene,"* if necessary.
9. Obtain and secure body-worn cameras from all members of the service who were on scene for Level 3 and Level 4 force incidents.
   a. Deliver body-worn cameras to Internal Affairs Bureau or Force Investigation Division ranking member on scene, as appropriate.
   b. Upload body-worn camera footage as directed by ranking member assigned to Internal Affairs Bureau.
10. Reserve **THREAT, RESISTANCE OR INJURY INCIDENT REPORT** number from Finest Online Records Management System, (FORMS) – T.R.I. application utilizing a Department mobile device for Level 1 incidents.
    a. Complete all mandatory fields.
    b. List all members of the service/subjects/civilians/bystanders involved.

***NOTE*** *The immediate supervisor will be responsible for completion of all investigative steps for all Level 1 force incidents. For Level 2, 3, and 4 force incidents, the immediate supervisor will be guided by the investigating supervisor.*

**IMMEDIATE SUPERVISOR (continued)**

11. Direct members involved to complete their **THREAT, RESISTANCE OR INJURY (T.R.I.) INTERACTION REPORT** for every reportable use of force and subject or civilian injury being reported.
    a. If member is incapacitated, complete **THREAT, RESISTANCE OR INJURY (T.R.I.) INTERACTION REPORT** using information known at the time.
    c. If an individual makes an allegation of force, but the member of the service claims that no force was used, or no member can be identified, prepare **THREAT, RESISTANCE OR INJURY (T.R.I.) INTERACTION REPORT** using information known at the time.
12. Question subject(s) and/or civilians, non-members of the service or bystanders regarding possible injuries.
    a. Ensure that subjects who appear ill, injured, or emotionally disturbed obtain appropriate medical/psychiatric attention as per *P.G. 210-04, "Prisoners Requiring Medical/Psychiatric Treatment."*
13. Take digital photographs with Department issued smartphone of visible injuries to subject, civilian, non-member of the service or bystander, and member of the service, or any location where an injury is claimed, but not visible for all Level 1 force incidents.
    a. Photos should be taken in a manner to maintain privacy, when appropriate (e.g., behind curtain, private room, etc.)
    b. A member of the same sex should take photographs, when appropriate.
    c. Photographs should be taken of any pre-existing injuries.
    d. Upload digital photographs to **THREAT, RESISTANCE OR INJURY (T.R.I.) INCIDENT REPORT** utilizing FORMS – T.R.I. application.
14. Interview witness(es), if available.
15. Review body-worn camera video of Level 1 force incidents to evaluate nature of event and actions of members involved.
16. Document which videos were viewed under the narrative caption of **THREAT, RESISTANCE OR INJURY (T.R.I.) INCIDENT REPORT**.

***NOTE*** *Immediate supervisors will be guided by the investigating supervisor (e.g., commanding officer, executive officer, duty captain) in regard to the viewing of body-worn camera footage for Level 2 incidents. Body-worn camera footage concerning Level 3 and 4 force incidents will not be viewed by the immediate supervisor. Immediate supervisors will safeguard body-worn cameras in connection to Level 3 and Level 4 force incidents and await direction from a ranking member on scene from either the Internal Affairs Bureau or Force Investigation Division.*

*Immediate supervisors will also be guided by the investigating supervisor/unit regarding the capture of digital photographs of injuries resulting from Level 2, 3 and 4 force incidents.*

**IMMEDIATE SUPERVISOR (continued)**

17. Question involved member of the service regarding reason for using force and type of force used.
    a. Ensure that members who appear ill or injured receive medical attention, as needed.
18. Make determination as to whether force incident requires further investigation.
19. Notify desk officer, precinct/PSA/transit district of occurrence and provide details of incident, level of force used, and/or type of injury or illness.
    a. If level of force/nature of injury indicates that a Level 2, 3 or 4 investigation is required, request that desk officer notify appropriate unit/investigating supervisor.

***NOTE***

*The Force Investigation Division will complete* ***THREAT, RESISTANCE OR INJURY (T.R.I.) INCIDENT REPORT*** *and* ***THREAT, RESISTANCE OR INJURY (T.R.I.) INTERACTION REPORT*** *for all firearm discharges, and for incidents in which a subject of police action, and/or a civilian, non-member of the service, or bystander is seriously injured and likely to die, or dies, while in police custody, during apprehension, or immediately prior to police custody (Level 4 force incidents). In addition, Force Investigation Division will be responsible for electronic signoff of any reports prepared by their personnel.*

20. Determine if there are any tactical recommendations, or creative approaches, that should be considered to improve safety or better resolve use of force incident, after consultation with involved member of the service and review of relevant documentation.
    a. Note recommendations in "Details of Incident" narrative section of **THREAT, RESISTANCE OR INJURY (T.R.I.) INCIDENT REPORT** regarding ineffectiveness of tactics, or equipment (e.g., ineffective CEW, or CEW that fails to deploy).
21. Complete, and electronically sign-off, **THREAT, RESISTANCE OR INJURY (T.R.I.) INCIDENT REPORT** for Level 1 incidents prior to completion of tour, unless exceptional circumstances exist.

**DESK OFFICER PRECINCT/PSA/ TRANSIT DISTRICT OF OCCURRENCE**

22. Notify following for Level 2, 3, or 4 force incidents:
    a. Patrol borough command
    b. Operations Unit
    c. Internal Affairs Bureau Command Center
        (1) Obtain Internal Affairs Bureau log number and ensure it is entered in appropriate field of **THREAT, RESISTANCE OR INJURY (T.R.I.) INCIDENT REPORT**
    d. Precinct detective squad, as appropriate
    e. Commanding officer/executive officer, if available.

**PATROL BOROUGH COMMAND**

23. Notify duty captain, if commanding officer/executive officer is not available for all Level 2, 3 and 4 force incidents.

**OPERATIONS UNIT**

24. Notify Force Investigation Division (FID) for all Level 4 force incidents.

**DETECTIVE SQUAD SUPERVISOR/ MEMBER CONCERNED**

25. Initiate investigation pending arrival of Force Investigation Division or Internal Affairs Bureau personnel, as appropriate for all Level 3 and 4 force incidents.
26. Conduct criminal investigation and enhance arrests any time a member of the service is the victim of a crime.
27. Process any prisoner that has assaulted a member of the service in accordance with *D.G. 502-30, "Electronic Recording of Custodial Interrogations."*

**INVESTIGATING SUPERVISOR**

28. Conduct investigation of reported Level 2, 3, or 4 force incident, and prepare **THREAT, RESISTANCE OR INJURY (T.R.I.) INCIDENT REPORT**.
    a. Conduct canvass for witnesses and possible video of incident.
    b. Interview, as appropriate, and if available:
        (1) Subject(s)
        (2) Civilians/non-members of the service/bystander(s)
        (3) Witnesses
29. Review body-worn camera video(s) to evaluate nature of event and actions of members involved.
    a. Document which videos were viewed under appropriate fields of **THREAT, RESISTANCE OR INJURY (T.R.I.) INCIDENT REPORT**.
30. Interview involved members of the service to assess whether use of force was necessary and reasonable, if applicable.
31. Ensure immediate supervisor has taken digital photographs of subject, civilian, non-member of the service or bystander, and member of the service with Department issued smartphone of visible injuries, including any location on the body where an injury is claimed, but not visible.
    a. Photos should be taken in a manner to maintain privacy, when appropriate (e.g., behind curtain, private room, etc.)
    b. A member of the same sex should take photographs, when appropriate.
    c. Photographs should be taken of any pre-existing injuries.
    d. Ensure that digital photographs of subject, civilian/non-member of the service or bystander and member of the service have been uploaded to **THREAT, RESISTANCE OR INJURY (T.R.I.)** folder utilizing FORMS – T.R.I. application.
32. Report findings and recommendations to Internal Affairs Bureau Command Center.

***NOTE*** *Only one **THREAT, RESISTANCE OR INJURY (T.R.I.) INCIDENT REPORT** will be prepared for an incident, regardless of the number of members of the service involved, or number of subjects/civilians/bystanders involved.*

**INVESTIGATING SUPERVISOR (continued)**

33. Review all **THREAT, RESISTANCE OR INJURY (T.R.I.) INTERACTION REPORTS** prior to completion of tour.
    a. Electronically sign off on **THREAT, RESISTANCE OR INJURY (T.R.I.) INCIDENT REPORT**.

**COMMAND TRAINING SERGEANT**

34. Review all **THREAT, RESISTANCE OR INJURY (T.R.I.) INCIDENT REPORTS** and **THREAT, RESISTANCE OR INJURY (T.R.I.) INTERACTION REPORTS** for command.
35. Identify recommendations from the immediate supervisor for creative, or innovative approaches/tactics to improve safety, or better resolve use of force incidents.
    a. Submit recommendations on a report on **Typed Letterhead** to precinct/PSA/transit district commanding officer, including all T.R.I. incident numbers corresponding to recommendations concerned.

**COMMANDING OFFICER**

36. Review all **THREAT, RESISTANCE OR INJURY (T.R.I.) INCIDENT REPORTS** completed by members of command, by querying the FORMS – T.R.I. application.
    a. Ensure use of force incidents, and/or type of injury/illness were properly documented, categorized and investigated on **THREAT, RESISTANCE OR INJURY (T.R.I.) INCIDENT REPORTS**.
37. Review reports from command training sergeant for creative or innovative approaches/tactics to improve safety, or better resolve use of force incidents.
38. Submit report with recommendations to the Training Bureau for consideration and possible adaptation into Department's training curriculum.

**BUREAU/ BOROUGH ADJUTANT**

39. Be responsible for compliance and oversight of reporting and investigation requirements.

***ADDITIONAL DATA***

*In addition to other required actions, members of the service receiving or becoming aware of allegations of unnecessary force will also comply with P.G. 207-31, "Processing Civilian Complaints."*

*If video of incident is identified, it should be retrieved and invoiced as investigatory evidence. If the immediate/investigating supervisor identifies video evidence, but is unable to retrieve it without risk of corruption, that supervisor should request the Borough/Bureau Investigations Unit to assist in retrieving and invoicing the video. If video is available, but not accessible at time of investigation, the Borough/Bureau Investigations Unit will be notified immediately. The notifying supervisor will inform the Borough/Bureau Investigations Unit of the location of the video, and when the earliest opportunity to retrieve it will be.*

***ADDITIONAL DATA (continued)***

*THE FOLLOWING INCIDENTS ARE NOT REPORTABLE USES OF FORCE AND WILL NOT BE RECORDED ON A* ***THREAT, RESISTANCE OR INJURY (T.R.I.) INCIDENT REPORT*** *OR INVESTIGATED PURSUANT TO THIS PROCEDURE:*

*a. Ordering a person to lie on the ground, guiding a person to the ground in a controlled manner, or the mere use of equipment (e.g., Velcro straps, polycarbonate shield, etc.) to restrain a subject, unless an injury is sustained.*

*b. A subject or civilian/non-member of the service or bystander with a pre-existing illness or injury who requires treatment in a hospital emergency room shall be recorded as per P.G. 210-04, "Prisoners Requiring Medical/Psychiatric Treatment," or P.G. 216-01, "Aided Cases – General Procedure," as appropriate. This includes an emotionally disturbed person for whom the only condition being treated is as a result of the subject being emotionally disturbed. This procedure will be followed if a person alleges that a pre-existing illness or injury was aggravated or worsened by police action.*

*c. Injuries that occur to a person while in the care and custody of another agency (e.g., Department of Correction, etc.).*

*d. Department vehicle collisions, unless:*

*(1) A person in police custody is injured or dies as a result of the Department vehicle collision (e.g., collision occurred while transporting a prisoner to court, etc.)*

*(2) Any person is injured, or dies, as a result of a Department vehicle pursuit*

*(3) Any person is injured, or dies, as a result of a member of the service attempting to stop a vehicle, or apprehend a suspect.*

***ADDITIONAL DATA (continued)***

*USE OF FORCE – SUPERVISORY REVIEW*

| ***FORCE INCIDENT LEVEL*** | ***QUALIFYING CRITERIA*** | ***REVIEWING SUPERVISOR/ UNIT*** |
|---|---|---|
| ***Level 1*** | • *Hand/Foot Strikes*<br>• *Forcible Take-downs*<br>• *Wrestling/Grappling*<br>• *Discharge of O.C. Spray*<br>• *Use of a Mesh Restraining Blanket*<br>• *Discharge of a CEW in CARTRIDGE mode*<br>• *Physical injury to a Subject/Civilian/Non-Member of the Service/Bystander resulting from police action.* | *Immediate Supervisor*<br>*(if **not** involved in force incident)* |
| ***Level 2*** | • *Use of any object as an impact weapon*<br>• *Police Canine Bite*<br>• *Use or Discharge of a CEW in DRIVE STUN mode*<br>• *Prohibited acts outlined in P.G. 221-01, "Force Guidelines" (excluding those that result in a serious physical injury, or those related to the discharge of a firearm)*<br>• *Alleged or Suspected Excessive Force (whether or not injury is apparent)*<br>• *Attempted Suicide by a Prisoner, whether or not an injury is apparent (excluding incidents that result in serious physical injury)*<br>• *Physical injury to a Subject/Civilian/Non-Member of the Service, Bystander consistent with application of Level 2 force that results in unconsciousness, loss of a tooth/teeth, or the application of stitches/staples.* | *Commanding Officer/Executive Officer/Duty Captain and Borough Investigations Unit* |
| ***Level 3*** | • *Force readily capable of causing death/serious injury (excluding a firearm discharge)*<br>• *Alleged or Suspected Excessive Force (Serious Physical Injury)*<br>• *Attempted Suicide by Prisoner (Serious Physical Injury).*<br>• *Serious Physical Injury to a Subject/Civilian/Non-Member of the Service/Bystander resulting from police action.* | *Internal Affairs Bureau* |

***ADDITIONAL DATA (continued)***

| | | |
|---|---|---|
| ***LEVEL 4*** | • *ALL firearm discharges by UMOS*<br>• *Any discharge of a UMOS's firearm fired by someone other than UMOS*<br>• *Subject/Civilian/Non-Member of the Service/Bystander dies,* ***OR***<br>• *Seriously injured and Likely to Die.* | *Force Investigation Division* |

***RELATED PROCEDURES***

*Processing Civilian Complaints (P.G. 207-31)*
*Prisoners Requiring Medical/Psychiatric Treatment (P.G. 210-04)*
*Aided Cases General Procedure (P.G. 216-01)*
*Force Guidelines (P.G. 221-01)*
*Use of Force (P.G. 221-02)*
*Firearms Discharge by Uniformed Member of the Service (P.G. 221-04)*
*Person Dies or Sustains Injury and is Likely to Die in Police Custody or in Connection with Police Action (P.G. 221-05)*
*Member of the Service Subjected to Force While Performing Lawful Duty (P.G. 221-06)*
*Mentally Ill or Emotionally Disturbed Persons (P.G. 221-13)*
*Electronic Recording of Custodial Interrogations (D.G. 502-30)*

***FORMS AND REPORTS***

***THREAT, RESISTANCE OR INJURY (T.R.I.) INCIDENT REPORT***
***THREAT, RESISTANCE OR INJURY (T.R.I.) INTERACTION REPORT***
***Typed Letterhead***

NYPD

| Section: Tactical Operations | | Procedure No: 221-04 | |
|---|---|---|---|
| **FIREARMS DISCHARGE BY UNIFORMED MEMBERS OF THE SERVICE** | | | |
| DATE ISSUED: 09/11/20 | DATE EFFECTIVE: 09/13/20 | REVISION NUMBER: | PAGE: 1 of 7 |

**PURPOSE** To record and evaluate incidents in which a uniformed member of the service's firearm is discharged by any person.

**SCOPE** A firearms discharge does not include a discharge during an authorized training session or while lawfully engaged in target practice or hunting. Additionally, it does not include a firearms discharge into a firearms safety station within a New York City Police Department facility, Department of Correction facility or Health and Hospitals Corporation facility.

**PROCEDURE** When a firearm belonging to the Department, or belonging to, or in possession of, a uniformed member of the service is discharged by any person, either on or off-duty:

**UNIFORMED MEMBER OF THE SERVICE**

1. Call for ambulance and render assistance to injured, if necessary.
2. Request patrol supervisor, precinct of occurrence and safeguard scene.
3. If firearm is discharged outside of New York City, notify local police authorities immediately, and Operations Unit within 6 hours of discharge.
4. Complete **UNIFORMED MEMBER OF THE SERVICE REPORT OF FIREARMS DISCHARGE (PD324-140)** within 48 hours of incident.

***NOTE*** *Pursuant to the investigation of these incidents, investigating supervisors may use Department vehicles without obtaining prior permission, if responding outside the City but within the residence counties.*

**PATROL SUPERVISOR**

5. Respond to scene and assume command.
6. Assess if involved members have sustained injuries.
   a. Direct seriously injured members be transported to nearest trauma center.
   b. Direct members sustaining minor injuries (e.g., tinnitus, etc.) to be transported to nearest hospital after conferring with commanding officer/duty captain, if available.
7. Establish crime scene as per *P.G. 212-04, "Crime Scene."*

***NOTE*** *The proper establishment and security of the crime scene is paramount to facilitate the investigation of the incident. In such, all involved vehicles (Department and private) must remain in their original positions at the time of the discharge. All precautions should be made not to alter their positions, which include doors that are ajar/closed.*

8. Inspect and secure firearms of members of the service involved for evidence of recent discharge.
9. Secure body worn cameras from all members of the service on scene at the time of incident.
10. Notify desk officer.

**PATROL SUPERVISOR (continued)**

11. Request the immediate response of precinct detective squad through desk officer.
12. Perform duties of "immediate supervisor" as per *P.G. 221-03, "Reporting and Investigation of Force Incident or Injury to Persons During Police Action."*

**DESK OFFICER**

13. Notify precinct/police service area/transit district commanding officer/ executive officer, Operations Unit, patrol borough command, Internal Affairs Bureau Command Center and precinct detective squad, without waiting for details.
    a. Ensure a supervisor is responding directly to hospital where injured member is receiving treatment.

**PATROL BOROUGH COMMAND**

14. Notify duty captain, duty inspector, and Borough Investigations Unit, if available.

**OPERATIONS UNIT**

15. Notify duty chief and Force Investigation Division (FID).

**COMMANDING OFFICER/ EXECUTIVE OFFICER/DUTY CAPTAIN**

16. Respond to scene, confer with ranking supervisors, and assume command.
17. Confer with patrol supervisor, if on scene, prior to transportation of injured member, and direct injured member be transported to nearest trauma center/hospital, as appropriate.

**DETECTIVE SQUAD MEMBER**

18. Immediately respond to scene, confer with ranking supervisors, and assume command of investigation.
    a. Ensure crime scene is properly established and make adjustments to the size of crime scene, if necessary.
    b. Ascertain and secure witness(es) and video, if available.
    c. Transition all investigative steps taken to FID personnel upon arrival.

***NOTE*** *The FID supervisor will coordinate the transition of investigation with the precinct detective squad supervisor. The FID is responsible for all aspects of the firearms discharge investigation, including the identifying, arrest processing, debriefing and enhancement of all suspects. Until arrival of FID supervisor, the highest ranking member of the Detective Bureau will be in command of investigation.*

*First Platoon Response: The FID Night Watch Team will lead the investigation with the assistance of the Detective Borough Night Watch Team and Internal Affairs Bureau (IAB) Group 9. Once FID resources are on the scene and operational, all investigative responsibilities will be transferred to FID.*

**DUTY INSPECTOR/ DUTY CHIEF**

19. Respond to scene, confer with ranking supervisors, and assume command.

**FORCE INVESTIGATION DIVISION SUPERVISOR**

20. Respond to scene, confer with detective squad supervisor and ranking patrol executives and assume command of investigation.
21. Perform duties of "investigating supervisor" as per *P.G. 221-03, "Reporting and Investigation of Force Incident or Injury to Persons During Police Action"* and:
    a. Complete **THREAT, RESISTANCE OR INJURY (T.R.I.) INCIDENT REPORT** and **THREAT, RESISTANCE OR INJURY (T.R.I.) INTERACTON REPORTS**
    b. Sign-off on pending **THREAT, RESISTANCE OR INJURY (T.R.I.) INCIDENT REPORTS** prepared by FID personnel.
    c. Ensure **UNIFORMED MEMBER OF THE SERVICE REPORT OF FIREARMS DISCHARGE** is completed within 48 hours and included in case file, as required.
22. Prepare **UNIFORMED MEMBER OF THE SERVICE REPORT OF FIREARMS DISCHARGE**, if discharging member is incapacitated.
23. Conduct investigative debriefing with all investigative units on scene to:
    a. Review investigative steps taken,
    b. Develop an investigative plan, and
    c. Direct and coordinate all investigative activity.
24. Request the assistance of personnel assigned to:
    a. Detective Bureau,
    b. Internal Affairs Bureau,
    c. Deputy Commissioner, Public Information,
    d. Community Affairs Bureau, and
    e. Deputy Commissioner, Legal Matters, etc., when appropriate.
25. Notify appropriate prosecutorial agency (e.g., District Attorney's Office, New York State Attorney General's Office, etc.) in all shooting cases.
    a. Confer with representative of prosecutorial agency with jurisdiction over incident, before interviewing uniformed member(s) of the service.
26. Notify Commanding Officer, Force Investigation Division, if unresolved issues with a prosecutorial agency exist.
27. Interview:
    a. Witnesses
    b. Other persons involved
    c. Uniformed member of the service concerned, if appropriate.
28. Ensure patrol supervisor inspected firearms for evidence of recent discharge.
    a. Have Firearms Analysis Section notified if firearm was discharged.

**FORCE INVESTIGATION DIVISION MEMBER**

29. Supply discharging member with a temporary replacement firearm, if required.
30. Transport discharged firearm to Firearms Analysis Section.

**BUREAU CHIEF/ DEPUTY COMMISSIONER CONCERNED**

31. Assign uniformed member(s) of the service involved, temporarily, to patrol borough office of assignment, or counterpart, for a minimum of three consecutive scheduled tours (exclusive of sick time or regular days off), if firearms discharge causes death or injury.
32. Notify Operations Unit, patrol borough command and command of assignment, of details of investigation and temporary assignment of uniformed member concerned, if such assignment was made.

**COMMANDING OFFICER, FORCE INVESTIGATION DIVISION**

33. Prepare an initial report on **Typed Letterhead**, upon completion of firearms discharge investigation, addressed to First Deputy Commissioner, as per the *Force Investigation Division Manual*.
    a. Include findings as to whether firearms discharge was <u>within</u> or <u>outside</u> Department guidelines, and whether the tactics used by the involved members of the service were consistent with Department guidelines, if investigation is completed, and
    b. Include findings as to whether other actions related to the event were within or outside guidelines, and
    c. Include any recommendations that may improve Department policy and/or training, and
    d. Include any recommendations, as per the following schedule:
        (1) FINDINGS
            (a) Intentional discharge - no violation of Department firearms guidelines
            (b) Intentional discharge - violation of Department guidelines
            (c) Unintentional discharge - violation
            (d) Unintentional discharge - no violation.
        (2) RECOMMENDATIONS
            (a) No corrective action to be taken
            (b) Member concerned to review the law and instructions
            (c) Member concerned to have additional firearms instructions
            (d) Retraining in tactics re: _____
            (e) Current assignment of member be reviewed
            (f) Other (Command Discipline, Charges and Specifications, etc.) re: _____ .

***NOTE*** *In many cases the investigating supervisor's determination about the shooting being "within/outside" the Department's guidelines will be reserved for the future when the investigation is completed (e.g., following the interview of uniformed member concerned [see P.G. 206-13, "Interrogation of Members of the Service,"] presentation to grand jury, or completion of a criminal trial.) However, other co-relative decisions will not be postponed. For example, regarding behavior or violations of Department guidelines, immediate action will be taken when the member's behavior is unusual (e.g., refer to Psychological Services, if appropriate) or derelictions are uncovered (e.g., initiate disciplinary actions). These actions will be described in the initial report.*

**COMMANDING OFFICER, FORCE INVESTIGATION DIVISION (continued)**

34. Review and sign report.
    a. Forward original report with a copy to First Deputy Commissioner, with additional copies for:
        (1) Chief of Department,
        (2) Chief of Staff,
        (3) Deputy Commissioner, Strategic Initiatives,
        (4) Deputy Commissioner, Legal Matters,
        (5) Chief of Training,
        (6) Deputy Commissioner, Internal Affairs,
        (7) Chief of Detectives,
        (8) Chief of Patrol,
        (9) Chief of Personnel,
        (10) Chief of Transportation, if appropriate,
        (11) Chief of Housing, if appropriate,
        (12) Chief of Transit, if appropriate,
        (13) Chief of Community Affairs,
        (14) Patrol Borough Commander, and
        (15) Commanding officer, member concerned.

**COMMANDING/ EXECUTIVE OFFICER OF MEMBER CONCERNED**

35. Conduct assessment of uniformed member(s) concerned, after initial investigation is completed.
    a. Inquire about uniformed member's well-being.
    b. Offer any assistance deemed appropriate, including the services of the Counseling Services Unit, Family Assistance Section, Employee Assistance Unit (EAU) and Police Organization Providing Peer Assistance (POPPA).
36. Conduct a follow-up assessment of uniformed member concerned within twenty-four to forty-eight hours.
    a. Observe uniformed member's post trauma reaction.
    b. Repeat offer of the services of Counseling Services Unit, Family Assistance Section, Employee Assistance Unit (EAU), and Police Organization Providing Peer Assistance (POPPA).

**BUREAU CHIEF/ DEPUTY COMMISSIONER CONCERNED**

37. Prepare report on **Typed Letterhead**, after three working days, to First Deputy Commissioner, through channels, making recommendation regarding member of the service's temporary assignment.
    a. Recommend continuance or discontinuance, as appropriate.
    b. Note whether member has been interviewed by members of the Medical Division and attended the tactical briefing at the Firearms and Tactics Section.

***NOTE*** *Uniformed member(s) of the service involved in such incidents will not be returned to permanent command without prior approval of the First Deputy Commissioner.*

**COMMANDING OFFICER, FORCE INVESTIGATION DIVISION**

38. Conduct a full investigative briefing for Police Commissioner for intentional discharge – adversarial conflicts, when directed.

39. Prepare a final report, on **Typed Letterhead**, addressed to the First Deputy Commissioner, upon completion of investigation and conferral with appropriate prosecutorial agency, as per *Force Investigation Division Manual*.
    a. Include, in final report, all information not available at the time of initial report, and:
        (1) Findings and recommendations,
        (2) Medical Examiner's report,
        (3) Ballistics report,
        (4) Department gunsmith's report (unintentional discharges),
        (5) Synopsis of uniformed member(s) statements,
        (6) Statement that Communications Section tapes were audited and are consistent or not consistent with uniformed member(s)/witnesses' statements,
        (7) Prosecutorial agency/grand jury findings, if applicable, and
        (8) Internal Affairs Bureau findings, if applicable.

**COMMANDING OFFICER, OFFICE OF MANAGEMENT ANALYSIS AND PLANNING**

40. Compile, with assistance of the Commanding Officer, Force Investigation Division, data on firearms discharges for each year, and include in annual **USE OF FORCE REPORT**, as required by the New York City Administrative Code and New York City Local Law 1 of 2009.

***ADDITIONAL DATA***

*FIREARMS DISCHARGE BY UNIFORMED MEMBERS OF THE SERVICE*

*If a person is killed as a direct result of police action, the uniformed member of the service involved will not be assigned to identify the body at the morgue. Another uniformed member of the service, who can identify the body, will be assigned.*

*While a firearms discharge into a safety station within a New York City Police Department facility, Department of Correction facility, or Health and Hospital Corporation facility is not considered a firearm discharge, it does require a report on **Typed Letterhead** by the uniformed member's commanding officer to the Police Academy, Firearms and Tactics Section outlining circumstances of the discharge. A **THREAT, RESISTANCE OR INJURY (T.R.I.) INCIDENT REPORT** will not be completed in these instances.*

*All uniformed members of the service who discharge a firearm, on or off duty, at other than an approved firing range or while lawfully engaged in target practice or hunting, will attend a tactics review session conducted by the Firearms and Tactics Section. The dates, times, locations, required equipment, and other provisions governing the review sessions will be the subject of a yearly Department directive.*

***RELATED PROCEDURES***

*Crime Scene (P.G. 212-04)*
*Repair/Replacement of Authorized Firearms (P.G. 204-12)*
*Reporting and Investigation of Force Incident or Injury to Persons During Police Action (P.G. 221-03)*
*Line of Duty Injury or Death Occurring Within City (P.G. 205-05)*
*Line of Duty Injury or Death - Outside City in Residence Counties (P.G. 205-06)*
*Trauma Counseling Program (P.G. 205-08)*
*Interrogation of Members of the Service (P.G. 206-13)*
*Removal and Restoration of Firearms (P.G. 206-17)*

***FORMS AND REPORTS***

***THREAT, RESISTANCE OR INJURY (T.R.I.) INCIDENT REPORT***
***THREAT, RESISTANCE OR INJURY (T.R.I.) INTERACTION REPORT***
***UNIFORMED MEMBER OF THE SERVICE REPORT OF FIREARMS DISCHARGE (PD324-140)***
***USE OF FORCE REPORT***
***Typed Letterhead***

NYPD

| Section: Tactical Operations | | Procedure No: 221-05 | |
|---|---|---|---|
| **PERSON DIES OR SUSTAINS A SERIOUS INJURY AND IS LIKELY TO DIE IN POLICE CUSTODY OR IN CONNECTION WITH POLICE ACTION** | | | |
| DATE ISSUED: 09/09/20 | DATE EFFECTIVE: 09/09/20 | REVISION NUMBER: | PAGE: 1 of 5 |

**PURPOSE** To establish command responsibility and notification requirements when a person dies, is seriously injured and likely to die in police custody or immediately prior to custody.

**DEFINITIONS** POLICE IN-CUSTODY DEATH OR PERSON IS LIKELY TO DIE - Any death or serious injury and the person is likely to die while in police custody including the following:

a. Police force or restraint may be a factor in death
b. Suicide (e.g., prisoner dies by suicide in holding cell)
c. Accidental (e.g., drug overdose or reaction to medicine)
d. Apparent natural causes (e.g., heart failure, asthma attack, or other natural causes).

POLICE PRE-CUSTODY DEATH OR PERSON IS LIKELY TO DIE - Any death or serious injury and the person is likely to die that occurs immediately prior to or during apprehension, including the following:

a. Police use of force or restraint (e.g., police firearms discharge, etc.)
b. Suicide (e.g., barricaded subject dies by suicide, etc.)
c. Accidental (e.g., person falls from a building, killed in a vehicle accident while eluding police, etc.)
d. Apparent natural causes (e.g., heart failure, asthma attack, or other natural causes).

***NOTE*** *The above examples are not all-inclusive and only represent the common types of incidents that may occur which may result in a subject's death.*

**PROCEDURE** When a person dies or is seriously injured and likely to die while in police custody or immediately prior to police custody:

**UNIFORMED MEMBER OF THE SERVICE**

1. Obtain medical attention for any person injured.
2. Safeguard possible crime scene.
3. Immediately request the response of patrol supervisor, precinct of occurrence.
   a. Notify patrol supervisor regarding type of force used, reason force was used, and injury to any person involved, if applicable.
4. Make every attempt to shield the body from public view if person dies, and it will not harm the integrity of the crime scene, if feasible.

**PATROL SUPERVISOR**

5. Respond to scene and assess situation.
6. Notify desk officer, precinct of occurrence.
7. Establish crime scene as per *P.G. 212-04, "Crime Scene,"* if necessary.

**PATROL SUPERVISOR (continued)**

8. Perform duties of "immediate supervisor" as per *P.G. 221-03, "Reporting and Investigation of Force Incident or Injury to Persons During Police Action."*
   a. Ensure that a **THREAT, RESISTANCE OR INJURY (T.R.I.) INCIDENT REPORT** is completed.

**DESK OFFICER**

9. Make following notifications:
   a. Patrol Borough Command,
   b. Operations Unit,
   c. Internal Affairs Bureau, Command Center,
   d. Precinct detective squad, and
   e. Commanding officer/executive officer, if available.

**OPERATIONS UNIT**

10. Notify duty chief and Force Investigation Division (FID).

**PATROL BOROUGH COMMAND**

11. Notify duty inspector.
12. Notify duty captain, if commanding officer/executive officer is not available.

**COMMANDING OFFICER/ EXECUTIVE OFFICER/ DUTY CAPTAIN/ DUTY INSPECTOR**

13. Respond to scene, confer with ranking member on scene and assume command.
14. Confer with FID supervisor, Detective Bureau and Internal Affairs Bureau duty captain.

**FORCE INVESTIGATION DIVISION SUPERVISOR**

15. Perform duties of "investigating supervisor" as per *P.G. 221-03, "Reporting and Investigation of Force Incident or Injury to Persons During Police Action"* and:
   a. Complete **THREAT RESISTANCE OR INJURY (T.R.I.) INCIDENT REPORT and THREAT, RESISTANCE OR INJURY (T.R.I.) INTERACTION REPORT**
   b. Sign-off on pending **THREAT RESISTANCE OR INJURY (T.R.I.) INCIDENT REPORTS** prepared by FID personnel.

**DUTY CHIEF**

16. Respond to scene and assume command.
17. Confer with Commanding Officer, Force Investigation Division, duty inspector, and commanding officer/executive officer/duty captain.

**COMMANDING OFFICER, FORCE INVESTIGATION DIVISION**

18. Respond to scene and assume command of investigation.
19. Confer with duty chief, duty inspector, and commanding officer/executive officer/duty captain.
20. Conduct investigative debriefing with all investigative units on scene to:
    a. Review investigative steps taken,
    b. Develop an investigative plan, and
    c. Direct and coordinate all investigative activity.
21. Prepare a report of the preliminary investigation on **Typed Letterhead**, addressed to the First Deputy Commissioner, with additional copies for:
    a. Police Commissioner,
    b. Chief of Department,
    c. Chief of Staff,
    d. Deputy Commissioner, Strategic Initiatives,
    e. Deputy Commissioner, Legal Matters,
    f. Deputy Commissioner, Intelligence and Counterterrorism,
    g. Deputy Commissioner, Internal Affairs,
    h. Deputy Commissioner, Risk Management Bureau, and
    i. Chief of Detectives.
22. Evaluate member's duty status, after preliminary investigation.
23. Conduct full investigative briefing for Police Commissioner, when directed.

NOTIFICATION TO NEXT OF KIN WHEN A PERSON DIES IN CONNECTION WITH POLICE ACTION

**PATROL BOROUGH COMMANDER/ DESIGNEE**

24. Confer with Commanding Officer, Force Investigation Division prior to contacting next of kin.
25. Ensure timely notification is made to next of kin in cases where a person dies in police custody.
    a. Have a member of the Community Affairs Bureau assist with notification, if appropriate.
        (1) Notification should be made by a member in the rank of lieutenant or above.
    b. Have an investigator accompany member making notification, unless it is deemed inappropriate by patrol borough commander/designee and Commanding Officer, Force Investigation Division.
        (1) Notification will not be delayed an inordinate period of time pending availability of investigator.

**NOTIFYING MEMBER**

26. Notify next of kin upon approval from involved patrol borough commander/designee and Commanding Officer, Force Investigation Division.
    a. Notification should be made within a reasonable amount of time.
27. Notify Office of the First Deputy Commissioner and Office of the Chief of Department upon successful notification, and provide following details:
    a. Time of notification,
    b. Location of notification,

**NOTIFYING MEMBER (continued)**

c. Name of person notified,
d. All members of the service present, and
e. Any other pertinent information.

28. Enter details of notification in appropriate precinct, PSA or transit district Command Log.

***ADDITIONAL DATA***

*DEPARTMENT POLICY*

*The Force Investigation Division is responsible for all investigations when a person dies or is likely to die while in police custody or immediately prior to police custody.*

*The Commanding Officer, Force Investigation Division may utilize investigators from other bureaus (e.g., Detective Bureau, Internal Affairs Bureau, etc.) to assist in the investigation (i.e., canvass for video, conduct interviews, etc.), as necessary.*

*When, in the course of an investigation (i.e., investigate DOA), a member of the Detective Bureau becomes aware that a death or serious injury was, or may have been in connection with a police action, the precinct/police service area/transit district commanding officer/duty captain, the Internal Affairs Bureau Command Center, and the Force Investigation Division will be immediately notified.*

*The New York State Correction Law Section 47(2) mandates that a report be made to the New York State Commission of Correction whenever a death occurs while a prisoner is in police custody while lodged in a detention or holding cell, being transported to the borough courthouse for arraignment after having been in a detention or holding cell, or at the hospital after having been lodged in a detention or holding cell. If a death occurs prior to a prisoner having been in a detention or holding cell, a notification to the New York State Commission of Correction is not necessary.*

*Whenever a reportable death occurs while in custody, the Commanding Officer, Force Investigation Division will ensure the form entitled, "**Report of Inmate Death to State Commission of Correction (SCOC M187)**" is prepared. Only items "one through thirty-six" will be completed on the form. Whenever a question does not apply or an answer is not available, the letters "DNA" will be entered in the allotted space on the form. The FID supervisor will then fax the form directly to the New York State Commission of Correction within six hours of the death, and immediately follow-up with the New York State Commission of Correction to confirm receipt of the faxed copy of the **Report of Inmate Death to State Commission of Correction (SCOC M187)**. The Commanding Officer, Force Investigation Division will ensure the form is also mailed within ten days of the death to the New York State Commission of Correction, Attention: Medical Review Board.*

*The Criminal Justice Bureau acts as the liaison between this Department and the New York State Commission of Correction. This includes, but is not limited to:*

*1. Providing documents as requested, excluding documents regarding prisoner deaths in custody, and*
*2. Coordinating the inspections of detention cells, holding cells, and juvenile rooms by members of the New York State Commission of Correction.*

***ADDITIONAL DATA (continued)***

*Documents regarding prisoner deaths in custody will be provided upon request to the New York State Commission of Correction by the Force Investigation Division, after consultation with the Legal Bureau.*

*All copies of documentation related to a prisoner death in custody, including the* ***Report of Inmate Death to State Commission of Correction (SCOC M187)****, will be forwarded to the Criminal Justice Bureau, upon request.*

*Any questions regarding the State Commission of Correction should be directed to the Criminal Justice Bureau.*

***RELATED PROCEDURES***

*Crime Scene (P.G. 212-04)*
*Use of Force (P.G. 221-02)*
*Force Guidelines (P.G. 221-01)*
*Reporting and of Force Incident or Injury to Persons During Police Action (P.G. 221-03)*
*Interrogation of Members of the Service (P.G. 206-13)*

***FORMS AND REPORTS***

***THREAT, RESISTANCE OR INJURY (T.R.I.) INCIDENT REPORT***
***THREAT, RESISTANCE OR INJURY (T.R.I.) INTERACTION REPORT***
***Typed Letterhead***
***Report of Inmate Death to State Commission of Correction (SCOC M187)***

NYPD

| Section: Tactical Operations | | Procedure No: 221-06 | |
|---|---|---|---|
| **MEMBER OF THE SERVICE SUBJECTED TO FORCE WHILE PERFORMING LAWFUL DUTY** | | | |
| DATE ISSUED: 07/01/20 | DATE EFFECTIVE: 07/01/20 | REVISION NUMBER: | PAGE: 1 of 5 |

**PURPOSE** To record and evaluate incidents when a member of the service is subjected to force while performing lawful duty, either on or off-duty, or auxiliary members that are subjected to force while on duty.

**DEFINITIONS** FORCE - When used against a member of the service, for the purpose of this procedure, is defined as any physical harassment, assault, reckless endangerment, or menacing, including shots fired at a member, the brandishing of a weapon directed at a member, and the throwing of items at members of the service, whether or not it resulted in injury.

ACTIVE RESISTING - Includes physically evasive movements to defeat a member of the service's attempt at control, including bracing, tensing, pushing, or verbally signaling an intention to avoid or prevent being taken into or retained in custody.

***NOTE*** *A **THREAT, RESISTANCE OR INJURY (T.R.I.) INCIDENT REPORT** will not be prepared when a subject merely verbally signals an intention to avoid or prevent being taken into or retained in custody.*

IMMEDIATE SUPERVISOR - An available supervisor, who was not involved in the incident, from the same command as member(s) of the service involved in use of force/injury incident. The immediate supervisor must be at least one rank higher than all involved members. If no supervisor in an appropriate rank is available, the duty captain will determine who will fulfill the role of immediate supervisor.

**PROCEDURE** When a member of the service is subjected to force while performing lawful duty, or sustains an injury that results from attempting to apprehend a subject or control an individual or individuals, or encounters active resistance from a subject, either on or off-duty:

**MEMBER OF THE SERVICE**

1. Take appropriate action to stabilize situation and/or apprehend perpetrators.
2. Obtain medical attention for any person injured.
3. Request response of immediate supervisor.
4. Make appropriate entry in digital **Activity Log**.
5. Complete **THREAT, RESISTANCE OR INJURY (T.R.I.) INTERACTION REPORT** prior to completion of tour, unless exceptional circumstances exist.

***NOTE*** *Each incident will be assigned one Threat, Resistance or Injury (T.R.I.) incident number in the FORMS – T.R.I. application, regardless of the number of members of the service involved, or the number of subjects or civilians involved.*

**IMMEDIATE SUPERVISOR**

6. Respond to scene and conduct preliminary investigation.

***NOTE*** *Immediate supervisors must distinguish between an injury that results from a member being subjected to force, or is sustained while attempting to apprehend a subject, rather than an injury sustained during other police operations. Supervisors will be guided by P.G. 205-05, "Line of Duty Injury or Death Occurring Within City" or P.G 205-06, "Line of Duty Injury or Death Outside City in Residence Counties," rather than this procedure, in the latter circumstance.*

7. Notify desk officer of facts.
   a. If member is seriously injured or dies, or removed to a hospital for medical treatment, request the desk officer to notify the commanding officer/executive officer or the patrol borough command to request the duty captain to respond, if commanding officer/executive officer is not available.
8. Notify precinct detective squad to respond and investigate, if there are any outstanding suspects or further investigation is required.
9. Ensure **COMPLAINT REPORT (PD313-152)** is prepared for offense committed against member, and/or additional charge is added to an arrested subject's **ON-LINE BOOKING SYSTEM ARREST WORKSHEET (PD244-159)**.
10. Ensure that **LINE OF DUTY INJURY REPORT (PD429-154)** is completed by designated supervisor(s), and ensure duties are performed as per *P.G. 205-05, "Line of Duty Injury or Death Occurring Within City"* or *P.G. 205-06, "Line of Duty Injury or Death Outside City in Residence Counties,"* if necessary.
11. Perform duties of "immediate supervisor" as per *P.G. 221-03, "Reporting and Investigation of Force Incident or Injury to Persons During Police Action,"* as appropriate.

***NOTE*** *If a member of the service sustains a serious injury, is likely to die, or dies, the commanding officer/executive officer/duty captain will assume control of the situation and ensure all responsibilities of the immediate supervisor are completed.*

*Injuries sustained by members of the service are independent of the criteria used to categorize a force incident as outlined in P.G. 221-03, "Reporting and Investigation of Force Incident or Injury to Persons During Police Action,"(e.g., level 1 force incident, level 2 force incident, etc.). Force incident levels, as found in P.G. 221-03, "Reporting and Investigation of Force Incident or Injury to Persons During Police Action," will not be applied to injuries sustained by members of the service. Instead, this procedure, along with P.G. 205-05, "Line of Duty Injury or Death Occurring Within City" will be adhered to regarding the determination of the appropriate investigating supervisor.*

12. Prepare **THREAT, RESISTANCE OR INJURY (T.R.I.) INCIDENT REPORT** and recommend appropriate follow-up, as necessary.

**IMMEDIATE SUPERVISOR (continued)**

13. Instruct members involved to complete **THREAT, RESISTANCE OR INJURY (T.R.I.) INTERACTION REPORT** for every subject/civilian interaction being reported.
    a. If member is incapacitated, complete **THREAT, RESISTANCE OR INJURY (T.R.I.) INTERACTION REPORT** using information known at time.
14. Make digital **Activity Log** entry of details of the incident including **THREAT, RESISTANCE OR INJURY (T.R.I.) INCIDENT REPORT** number (once obtained).

**DESK OFFICER**

15. Ensure arresting officer charges defendant with appropriate below listed charges when force is used against member of the service:
    a. Resisting Arrest (Section 205.30, Penal Law),
    b. Assault 2nd degree (Section 120.05, Penal Law, sub.3),
    c. Assault on a Peace Officer, Police Officer, Fireman, or Emergency Medical Services Professional (Section 120.08, Penal Law), or
    d. Aggravated Assault Upon a Police Officer or a Peace Officer (Section 120.11, Penal Law).
16. Have criminal history check completed for every prisoner arrested for the above charges.
    a. If prisoner has been arrested for any charge listed in step "15" more than once within the past five years (i.e., a prisoner arrested for the second time within five years for any charge listed in step "15"), the prisoner shall be deemed a "Resisting Recidivist."
        (1) Request detective squad supervisor to enhance arrest, interview subjects, and canvass for video and witnesses.
17. Notify commanding officer/duty captain and patrol borough command without waiting for details, if member is seriously injured, or removed to a hospital for medical treatment.

**DETECTIVE SQUAD SUPERVISOR**

18. Ensure detective squad members are performing duties related to enhancing arrests, interviewing subjects, and canvassing for video and witnesses.
    a. Ensure all arrests involving a "Resisting Recidivist" are enhanced by the precinct detective squad and that the District Attorney's Office puts forth all efforts towards a successful prosecution.
    b. Process any prisoner that has assaulted a member of the service in accordance with *D.G. 502-30, "Electronic Recording of Custodial Interrogations."*

**COMMANDING OFFICER/ EXECUTIVE OFFICER/ DUTY CAPTAIN**

19. Respond and conduct an investigation, if member sustains a serious physical injury, is likely to die, or dies.

***NOTE*** *If the member of the service's injury or death is related to a force incident, as per P.G. 221-03, "Reporting and Investigation of Force Incident or Injury to Persons During Police Action," the "investigating supervisor," as defined in that procedure, will conduct the force investigation concurrently with the supervisor designated to investigate the member's injury as per this procedure.*

**COMMANDING OFFICER/ EXECUTIVE OFFICER/DUTY CAPTAIN (continued)**

20. Ensure **THREAT, RESISTANCE OR INJURY (T.R.I.) INCIDENT REPORT** and **LINE OF DUTY INJURY REPORT** are properly prepared.
21. Ensure detective squad members are performing duties related to enhancing arrests, interviewing subjects, and canvassing for video and witnesses.

**DESK OFFICER**

22. Notify commanding officer/executive officer/duty captain, if Assistant District Attorney refuses to charge defendant as determined by investigation.

**COMMANDING OFFICER/ EXECUTIVE OFFICER/ DUTY CAPTAIN**

23. Confer with desk officer/immediate supervisor.
    a. If not satisfied with resolution of the matter, notify the Deputy Commissioner, Legal Matters.
        (1) The Deputy Commissioner, Legal Matters may be contacted directly, Monday through Friday, 0700 to 2300 hours.
        (2) During midnight tours and on weekends, the Deputy Commissioner, Legal Matters may be contacted through the Operations Division.
    b. Document all conferrals in Telephone Record.
24. Prepare report on **Typed Letterhead**, addressed to First Deputy Commissioner, if member is seriously injured or dies, including the nature of injury and charges filed, if any.
    a. Forward copies of report, through channels.
    b. Forward copies of report to the involved member's commanding officer, if necessary.

<u>IF MEMBER OF THE SERVICE WAS ASSAULTED</u>

**COMMANDING OFFICER OF ARRESTING OFFICER**

25. Follow-up with arresting officer and Assistant District Attorney regarding the status of case.
26. Confer with a supervisory District Attorney regarding the matter, if the District Attorney's Office inappropriately declines to prosecute the charges, or the charges are reduced or dismissed inappropriately at subsequent hearings.
    a. Ensure a notification is made to the Deputy Commissioner, Legal Matters.

***ADDITIONAL DATA***

*The **THREAT, RESISTANCE OR INJURY (T.R.I.) INCIDENT REPORT** is the primary method used by the Department to gather intelligence information regarding subjects who actively resist custody and incidents that are life threatening for members of the service. The effectiveness of tactics training in identifying dangerous new criminal practices and in promoting best practices by members depends upon the accuracy and completeness of these reports.*

***RELATED PROCEDURES***

*Line of Duty Injury or Death Occurring Within City (P.G. 205-05)*
*Line of Duty Injury or Death Outside City in Residence Counties (P.G. 205-06)*
*Arrests – General Processing (P.G. 208-03)*
*Force Guidelines (P.G. 221-01)*
*Use of Force (P.G. 221-02)*
*Reporting and Investigation of Force Incident or Injury to Persons During Police Action (P.G. 221-03)*
*Electronic Recording of Custodial Interrogations (D.G. 502-30)*

***FORMS AND REPORTS***

***ON-LINE BOOKING SYSTEM ARREST WORKSHEET (PD244-159)***
***COMPLAINT REPORT (PD313-152)***
***LINE OF DUTY INJURY REPORT (PD429-154)***
***THREAT, RESISTANCE OR INJURY (T.R.I.) INCIDENT REPORT***
***THREAT, RESISTANCE OR INJURY (T.R.I.) INTERACTION REPORT***
***Typed Letterhead***

NYPD

| Section: Tactical Operations | | Procedure No: 221-07 | |
|---|---|---|---|
| **USE OF OLEORESIN CAPSICUM PEPPER SPRAY DEVICES** | | | |
| DATE ISSUED: 10/07/19 | DATE EFFECTIVE: 10/08/19 | REVISION NUMBER: | PAGE: 1 of 4 |

**PURPOSE** To inform uniformed members of the service of circumstances under which Oleoresin Capsicum (O.C.) pepper spray may be intentionally discharged and to record instances where O.C. pepper spray has been discharged, intentionally or unintentionally.

**SCOPE** Use of O.C. pepper spray constitutes physical force under the New York State Penal Law. Use of O.C. pepper spray is proper when used in accordance with Article 35 of the Penal Law and Department procedures. O.C. pepper spray may be used to gain or maintain control of persons who are actively resisting arrest or lawful custody or exhibiting active aggression, or to prevent individuals from physically injuring themselves, members of the service, or other persons. O.C. pepper spray may be used in arrest or custodial restraint situations where physical presence and/or verbal commands have not been, or would not be, effective in overcoming physical resistance. O.C. pepper spray shall not be used in situations that do not require the use of physical force.

In many cases, O.C. pepper spray will reduce or eliminate the need for physical force to effect an arrest or gain custody. It will often reduce the potential for injuries to members and suspects that may result from physical restraint and it should be regarded as a possible alternative to such force and restraint, where practical.

**DEFINITIONS** PASSIVE RESISTANCE – Minimal physical action to prevent a member from performing their lawful duty. For example, a subject failing to comply with a lawful command and stands motionless and/or a subject going limp when being taken into custody.

ACTIVE RESISTING – Includes physically evasive movements to defeat a member of the service's attempt at control, including bracing, tensing, pushing, or verbally signaling an intention to avoid or prevent being taken into or retained in custody.

ACTIVE AGGRESSION – Threat or overt act of an assault (through physical or verbal means), coupled with the present ability to carry out the threat or assault, which reasonably indicates that an assault or injury to any person is imminent.

**PROCEDURE** When necessary to use O.C. pepper spray device:

***NOTE*** *In an effort to gain voluntary compliance, members of the service should advise the offender that O.C. pepper spray will be used to handcuff/restrain him/her before applying such force, if feasible.*

**UNIFORMED MEMBER OF THE SERVICE**

1. Hold O.C. pepper spray in an upright position, aim and discharge O.C. pepper spray into a subject's eyes for maximum effectiveness, using two, one second bursts, at a minimum distance of three feet, and only in situations when the uniformed member of the service reasonably believes that it is necessary to:
   a. Gain or maintain control of persons who are actively resisting arrest or lawful custody or exhibiting active aggression
   b. Prevent individuals from physically injuring themselves, members of the service, or other persons
   c. Establish physical control of a subject attempting to flee from arrest or custody
   d. Establish physical control of an emotionally disturbed person (EDP)
   e. Control a dangerous animal, by deterring an attack, to prevent injury to persons or animals present.
2. Effect arrest of criminal suspect against who O.C. pepper spray was used and charge with crime which initiated use of the O.C. pepper spray.
   a. Add resisting arrest charge, when appropriate.
   b. Comply with *P.G. 210-13, "Release Of Prisoners - General Procedure,"* if it is determined that arrested person did not commit the crime or that no crime was committed.
   c. Comply with *P.G. 221-13, "Mentally Ill Or Emotionally Disturbed Persons,"* when appropriate.

***NOTE***

*Do not use O.C. pepper spray on subjects who passively resist (i.e., minimal physical action to prevent a member from performing their lawful duty). If possible, avoid using O.C. pepper spray on persons who appear to be in frail health, young children, women believed to be pregnant, or persons with known respiratory conditions. Avoid discharging O.C. pepper spray indiscriminately over a large area for disorder control. (Members who are specifically trained in the use of O.C. pepper spray for disorder control may use O.C. pepper spray in accordance with their training, and within Department guidelines, and as directed by supervisors.). In addition, avoid using O.C. pepper spray in small contained areas such as automobiles and closets.*

3. Request response of Emergency Medical Service (EMS) once the situation is under control.
   a. Advise person sprayed that EMS is responding.
4. Remove the subject from the contaminated area and expose to fresh air while awaiting the arrival of EMS, or transportation to hospital/ stationhouse, if tactically feasible.
   a. Determine whether the person sprayed is wearing contact lenses. (It is strongly recommended that contact lenses be removed as soon as possible after exposure to O.C. pepper spray.)
5. Position subject on his/her side or in a sitting position to promote free breathing.
   a. The subject should never be maintained or transported in a face down position.
   b. Avoid actions which may result in chest compression, such as sitting, kneeling, or standing on a subject's chest or back, thereby reducing the subject's ability to breathe.

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

6. Provide assistance to subject as follows:
   a. When consistent with member's safety, and provided a source of water is readily available, the uniformed member should flush the contaminated skin area of a subject with profuse amounts of water
   b. Repeat flushing at short intervals, if necessary, until symptoms of distress subside
   c. Continue flushing the contaminated skin of the subject in custody at the stationhouse, as needed
   d. Commence the flushing of a subject's contaminated skin upon arrival at the stationhouse, if this has not already been done.

***NOTE*** *Do not rub or touch skin of contaminated person, as the initial effect of O.C. pepper spray does not dissipate for 15-30 minutes. Also, do not use salves, creams, ointments, commercial eyewashes or bandages.*

7. Transport prisoner immediately to the emergency room of the nearest hospital if he/she is demonstrating difficulty breathing, or exhibiting signs of severe stress, hyperventilation, etc.
   a. Windows of transport vehicle should be kept open.
   b. Members who come in contact with persons who have been exposed to O.C. pepper spray must thoroughly wash their hands afterward and avoid having any contaminated clothing make contact with their face.
   c. Advise hospital staff that O.C. pepper spray has been used on prisoner/EDP.
8. Prepare **ON LINE BOOKING SYSTEM ARREST WORKSHEET (PD244-159)** and **MEDICAL TREATMENT OF PRISONER (PD244-150)** in arrest situations.
9. Complete the **AIDED REPORT** in non-arrest situations (e.g., EDP) and:
   a. Check box "O.C. Spray Used"
   b. List the time, doctor's name, and diagnosis under "Details" caption, when applicable.
10. Notify immediate supervisor regarding the use of O.C. pepper spray.
11. Complete **THREAT, RESISTANCE OR INJURY (T.R.I.) INTERACTION REPORT**, and comply with *P.G. 221-03, "Reporting and Investigation of Force Incident or Injury to Persons During Police Action."*

**IMMEDIATE SUPERVISOR**

12. Perform duties of the "immediate supervisor" as per *P.G. 221-03, "Reporting and Investigation of Force Incident or Injury to Persons During Police Action."*

**DESK OFFICER**

13. Ensure prisoners who have been sprayed with O.C. pepper spray receive appropriate first aid, if needed, upon arrival at stationhouse.
14. Ensure prisoners who have been sprayed with O.C. pepper spray are properly observed throughout the arrest process, and that they receive prompt medical attention if they need or request it.

**DESK OFFICER (continued)**

15. Make Command Log entry stating whether the prisoner has had his/her skin flushed with water, been examined by EMS, or been transported to the hospital.

**COMMANDING OFFICER, FIREARMS AND TACTICS SECTION**

16. Analyze situations where O.C. pepper spray was utilized to evaluate its effectiveness.
    a. As appropriate, modify existing training/tactics relative to the use of O.C. pepper spray.
17. Compile a list of O.C. pepper spray usage on a monthly basis and forward a report on usage to the First Deputy Commissioner (through channels).
18. Incorporate relevant information into tactical training.

***ADDITIONAL DATA***

*The only O.C. pepper spray authorized for use is the type issued to all uniformed members through the Firearms and Tactics Section.*

*Current authorized O.C. pepper spray uses technology where the O.C. pepper spray solution is contained in a bag within the metal canister. This allows it to be sprayed at any angle and it is no longer necessary to shake the O.C. pepper spray to mix the solution. O.C. pepper spray contains approximately ten one-second bursts and should be replaced when half empty or after five one-second bursts have been used.*

*O.C. pepper spray will not automatically stop all subjects, and even when it does incapacitate, the effects are temporary. Members should therefore be ready to use other appropriate force options and tactics.*

*When performing duty in uniform, the O.C. pepper spray shall be carried in its holster attached to the non-shooting side of the gun belt. When performing enforcement duty in civilian clothes the O.C. pepper spray must be carried in the holster attached either to a belt or in another appropriate manner. Undercover members may opt not to carry the O.C. pepper spray.*

*Members of the service may carry the O.C. pepper spray device during off duty hours.*

***RELATED PROCEDURES***

*Lost or Damaged Uniform (P.G. 204-07)*
*Prisoner Requiring Medical/Psychiatric Treatment (P.G. 210-04)*
*Release of Prisoners - General Procedure (P.G. 210-13)*
*Hazardous Material (P.G. 212-37)*
*Hostage/Barricaded Person(s) (P.G. 221-14)*
*Aided Cases - General Procedure (P.G. 216-01)*
*Preparation of Aided Report (P.G. 216-02)*
*Reporting and Investigation of Force Incident or Injury to Persons During Police Action (P.G. 221-03)*
*Mentally Ill or Emotionally Disturbed Persons (P.G. 221-13)*
*Loss or Theft of Department Property (P.G. 219-20)*

***FORMS AND REPORTS***

***AIDED REPORT***
***MEDICAL TREATMENT OF PRISONER (PD244-150)***
***ON LINE BOOKING SYSTEM ARREST WORKSHEET (PD244-159)***
***THREAT, RESISTANCE OR INJURY (T.R.I.) INCIDENT REPORT***
***THREAT, RESISTANCE OR INJURY (T.R.I.) INTERACTION REPORT***

**PURPOSE** To inform members of the service (MOS) of circumstances under which a Conducted Electrical Weapon (CEW) may be intentionally used and to record instances when a Conducted Electrical Weapon has been used.

**SCOPE** A Conducted Electrical Weapon (CEW) can be an effective means of subduing aggressive suspects and emotionally disturbed persons (EDPs). A CEW is classified as a less lethal device and is intended to augment and provide a greater margin of safety for MOS who might otherwise be forced to physically subdue a dangerous subject. The use of a CEW is classified as a significant intermediate use of force option such as O.C. pepper spray or impact techniques.

A CEW should only be used against persons who are actively resisting, exhibiting active aggression, or to prevent individuals from physically injuring themselves or other person(s) actually present. It will often reduce the potential for injuries to members and suspects that may result from physical restraint and should be regarded as a possible alternative to such force and restraint, where practical. It is prohibited to use a CEW in situations that do not require the use of physical force.

**DEFINITIONS** CONDUCTED ELECTRICAL WEAPON (CEW) – A hand held device designed to use propelled wires and/or direct contact to conduct an electrical charge which primarily affects motor functions and/or the sensory nervous system.

SPARK TEST – The mandatory function check of a CEW issued by the desk officer or designated supervisor. CEWs must be unloaded (without a cartridge in the loading bay) when the test is performed. Upon assignment of a CEW, a spark test must be conducted into a firearms safety station that is under direct observation of a supervisor.

ACTIVATE (ACTIVATION) – To arm the CEW by releasing the safety. When the safety switch is shifted up, the laser and LED illuminators turn on (depending on illumination status), the Central Information Display (CID) will show the calculated percentage of battery life and the CEW will discharge when the trigger is depressed.

LASER WARNING – Pointing and placing the laser dot of an activated CEW on a subject in order to attempt to achieve voluntary compliance. When feasible, a verbal warning, consistent with personal safety, should be given to the intended subject in conjunction with a laser warning.

DISCHARGE – Depression of a CEW's trigger resulting in the flow of an electric charge. A Discharge will result in arcing (no cartridge in loading bay) or probes being fired (cartridge is present).

**DEFINITIONS (continued)**

WARNING ARC – The activation and discharge of a CEW with the cartridge removed that displays a visible and audible arcing of electricity between the front electrodes of the CEW. The purpose of a warning arc is to receive voluntary compliance from an intended subject. When feasible, and consistent with personal safety, a verbal warning should be issued to the intended subject in conjunction with a warning arc.

CARTRIDGE – Refers to the Department authorized extended probe cartridge, specifically for use with an approved Department CEW.

CARTRIDGE PROBES – Two barbed probes designed to penetrate the skin that are connected to copper clad steel, insulated from the replaceable cartridge attached to the loading bay of the CEW.

CARTRIDGE MODE/PROBE DEPLOYMENT – The primary mode of operation that utilizes compressed nitrogen gas to propel two probes on copper clad steel insulated wires from the replaceable cartridge attached to the front of the CEW.

DRIVE STUN – When the front electrodes on the CEW, or an expended cartridge attached to the front of the CEW, are brought into immediate, direct, or close proximity contact with a subject's body or clothing. The drive stun mode may be used to supplement the effectiveness of a close probe spread (Three Point Contact), or to complete the circuit in the event of a single probe contact, or as a countermeasure to gain separation between officers and the subject so that officers can consider another force option. Drive stun mode should not be the primary method of use unless exceptional circumstances exist.

ACTIVE RESISTING – Includes physically evasive movements to defeat a member of the service's attempt at control, including bracing, tensing, pushing, or verbally signalling an intention to avoid or prevent being taken into or retained in custody.

ACTIVE AGGRESSION – Threat or overt act of an assault (through physical or verbal means), coupled with the present ability to carry out the threat or assault, which reasonably indicates that an assault or injury to any person is imminent.

PASSIVE RESISTANCE – Minimal physical action to prevent a member from performing their lawful duty. For example, a subject failing to comply with a lawful command and stands motionless and/or a subject going limp when being taken into custody.

CEW EFFECTIVENESS – Any immediate reaction, even if momentary, that causes a change in an actively aggressive subject's or emotionally disturbed person's physical actions and/or psychological behavior as the result of a pre-deployment verbal warning, activation, laser warning, warning arc, or discharge of a CEW.

**PROCEDURE** To provide for control, accountability, issuance, use, and investigation of the use of Conducted Electrical Weapons (CEWs):

**COMMANDING OFFICER**

1. Designate a secure area under the control of the desk officer or appropriate supervisor for the storage of all CEWs, cartridges, holsters, and batteries assigned to command.
2. Designate a location for the firearms safety station in an area where the desk officer is able to observe the loading/unloading of firearms and the performance of CEW spark tests.
3. Ensure availability, operability, and distribution of CEWs assigned to the command on all tours. All CEWs must be readily available behind the desk area.
4. Ensure that all supervisors performing patrol duties in the command are trained in the use of CEWs.
   a. ONLY authorized uniformed members of the service will be assigned to handle or carry CEWs.
5. Ensure that all unintentional discharges are recorded on a **THREAT, RESISTANCE OR INJURY (T.R.I.) INCIDENT REPORT**.
6. Prepare a report on **Typed Letterhead** for all unintentional CEW discharges addressed to the Commanding Officer, Firearms and Tactics Section.
   a. Include the details, factors that contributed to the unintentional discharge, and the corrective/training measures that were taken as a result and forward as follows:
      i. Commanding Officer, Firearms and Tactics Section (original THROUGH CHANNELS)
      ii. Copy via email to FTS@nypd.org.

***NOTE*** *When requesting a replacement or loaner CEW, replacement battery, cartridge, desk CEW or holsters, commanding officers are required to prepare and deliver a report on* ***Typed Letterhead*** *with item(s) needing replacement, to the Commanding Officer, Firearms and Tactics Section within 72 hours.*

*When requesting replacement cartridges that were unintentionally discharged, commanding officers shall deliver a report on* ***Typed Letterhead*** *addressed to the Commanding Officer, Firearms and Tactics Section and shall attach a copy of the related* ***THREAT, RESISTANCE OR INJURY (T.R.I.) INCIDENT REPORT****.*

**DESK OFFICER/ UNIT SUPERVISOR**

7. Account for all CEWs and cartridges assigned to the command at the commencement of each tour.
   a. Make a Command Log entry, include serial numbers.
   b. Commands that do not maintain a Command Log will account for CEWs and cartridges in an appropriate Department log.
   c. Notify commanding officer if any CEW is found inoperable or defective.
   d. Ensure all CEWs are stored in desk holsters with the cartridge removed from the cartridge bay.

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

8. Assign CEWs to authorized uniformed members of the service at the commencement of each tour in priority order as follows:
   a. One operable CEW must be maintained at the desk.
   b. One operable CEW will be assigned to each uniformed and plainclothes supervisor performing patrol duty.
   c. One CEW should be assigned to an authorized UMOS in each RMP.
   d. One CEW should be assigned to an authorized UMOS per foot post location.
   e. Any remaining CEWs should be assigned to a second authorized UMOS in an RMP.

***NOTE*** *Any CEW that becomes available during the tour of duty will be immediately reassigned using the priority listed above, issuing supervisors will ensure the exchange of CEWs between incoming and outgoing platoons does not interfere with adequate distribution. Operable CEWs should never remain unassigned if authorized UMOS on patrol remaining unequipped, unless those devices are being held for odd-tour personnel.*

9. Observe authorized uniformed member of the service perform mandatory spark test without a cartridge in the loading bay.
   a. CEW cartridges will not be issued until the mandatory spark test has been completed by the assigned member and observed by platoon commander, desk officer, or designated supervisor.
10. Assign primary CEW cartridge to authorized uniformed member of the service and observe its proper placement in the CEW cartridge bay.
11. Assign secondary CEW cartridge to authorized uniformed member of the service.

***NOTE*** *CEWs will only be issued by the platoon commander, desk officer, or designated supervisor.*

*A CEW may be assigned with a single cartridge while the replacement of a discharged cartridge is pending. If a CEW is assigned with a single cartridge in this manner, a command log entry will be made noting that the issued CEW is "pending cartridge replacement."*

*The command log entry must include the CEW serial number, T.R.I. incident number (if applicable), as well as the date and time the cartridge was discharged.*

**AUTHORIZED UNIFORMED MEMBER OF THE SERVICE**

12. Indicate rank, name, shield number/tax number, as applicable, of assigned member(s) in the Command Log.
    a. Make entry on roll call, identifying member(s) assigned a CEW for tour by notating "CEW" next to the assigned member(s) name.
13. Notify commanding officer of the following circumstances:
    a. Any unintentional discharge of a CEW.
    b. Any instance in which a CEW is found to be inoperable or defective.

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

14. Be responsible for CEW while in your custody and control.
15. Carry CEW only when authorized by the Firearms and Tactics Section.
    a. CEW holster must be attached to the duty belt on the support side, opposite the firearm.
    b. Cross drawing of a CEW is prohibited.
    c. Emergency Service Unit members and canine handlers will carry CEW in a holster and in a manner approved by Commanding Officer, Firearms and Tactics Section.

***NOTE***

*Only CEWs authorized by the Commanding Officer, Firearms and Tactics Section will be carried by members of the service. Carrying or use of any other unauthorized CEW may result in disciplinary action.*

*MOS who have been issued a Department CEW holster are required to maintain their holster and replace it, at their own expense, when it is no longer serviceable. CEW holsters and belt clips are available for purchase at the Equipment Section.*

16. Upon assignment of CEW, perform a full five (5) second spark test to ensure operability.
    a. Spark tests will only be performed into a firearms safety station, under the observation of a supervisor.
    b. The cartridge is not to be held in either hand, nor placed in the immediate vicinity of the safety station while performing the spark test.
    c. Notify desk officer/immediate supervisor if CEW has low battery percentage, a fault icon, or is inoperable.

***NOTE***

*Unintentional discharges will occur if a cartridge is inserted into the CEW's cartridge bay while conducting a spark test or warning arc. Cartridges must be removed and secured away from the CEW prior to conducting a spark test. Unintentional discharges resulting in injuries may occur if a cartridge is left attached to the CEW while conducting a spark test.*

*Members are reminded that the time, date, temperature, duration and remaining battery percentage are recorded in the CEW's internal memory. Therefore, whenever a CEW is discharged (including a spark test), such discharge must be recorded in the member's digital* ***Activity Log****, Command Log, or other appropriate Department record.*

17. Upon completion of spark test, request cartridge from platoon commander/desk officer/designated supervisor.
18. Inspect and insert cartridge into CEW's cartridge bay and holster CEW.
    a. Ensure secondary cartridge is secured, as appropriate.
19. Make digital **Activity Log** entry and include:
    a. Results of inspection.
    b. Serial numbers of CEW and cartridge.
    c. Name of platoon commander/desk officer/designated supervisor notified if CEW is inoperable.

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

20. Upon completion of tour, return CEW, two cartridges, and Department holster to the desk officer.
    a. Do not return CEW holster if personally assigned.
    b. UMOS will not exchange a CEW with one another at the change of tours.

**USE OF CONDUCTED ELECTRICAL WEAPON (CEW)**

**AUTHORIZED UNIFORMED MEMBER OF THE SERVICE**

21. Assess situation and determine if use of a CEW would be appropriate.
22. Consider totality of circumstances when deciding the reasonable amount of force necessary to overcome resistance when effecting an arrest or when taking a mentally ill or emotionally disturbed person into custody. Some factors to consider when determining the appropriate use of force include, but are not limited to:
    a. The nature and severity of crime/circumstances,
    b. Actions taken by subject,
    c. Duration of action,
    d. Immediacy of perceived threat or harm to subject, members of the service, and/or bystanders,
    e. Whether the subject is actively resisting custody,
    f. Whether the subject is attempting to evade arrest by flight,
    g. Number of subjects in comparison to number of MOS,
    h. Size, age, and condition of subject in comparison to MOS,
    i. Subject's violent history, if known,
    j. Presence of hostile crowd or agitators, and/or
    k. Subject apparently under influence of a stimulant/narcotic which would affect pain tolerance or increase the likelihood of violence.

***NOTE*** *CEWs should only be used against persons who are actively resisting, exhibiting active aggression or to prevent individuals from physically injuring themselves or other person(s) actually present. Members of the service are reminded of the availability of Emergency Service Unit.*

23. When feasible, issue an appropriate verbal warning, consistent with personal safety, to the intended subject and other members of the service present prior to discharging CEW.
    a. The verbal warning may be used in conjunction with laser/arc warnings in order to gain voluntary compliance and prevent the need to use force.

***NOTE*** *The recommended point of aim is lower center mass for frontal discharges (below the chest) and below the neck area for discharges at a suspect's back. Avoid discharging at an individual's head, neck, and chest, if possible. When practical, discharge the CEW at the subject's back. The CEW should not be intentionally aimed at an individual's groin.*

*Members should not intentionally discharge two CEWs simultaneously on a subject.*

*Fleeing should not be the sole justification for using a CEW against a subject. Members should consider the severity of the offense, the subject's threat level to others, and the*

***NOTE (continued)***

*risk of serious injury to the subject before deciding to use a CEW on a fleeing subject. Members should use a CEW for one standard cycle (five seconds) while constantly assessing the situation to determine if subsequent cycles are necessary. Members should consider that exposure to the CEW for longer than fifteen seconds (whether due to multiple applications or continuous cycling) may increase the risk of death or serious injury. All applications must be independently justifiable, and the risks should be weighed against other force options.*

*A CEW should never be used in CARTRIDGE or DRIVE STUN mode on a rear-cuffed prisoner.*

*It is strictly prohibited to use the CEW on persons as a form of coercion or punishment and on persons who passively resist (e.g., going limp, offering no active physical resistance).*

*The CEW should generally not be used on children, the elderly, obviously pregnant females, the frail, against subjects operating or riding on any moving device or vehicle (e.g., motorists, bicyclists, skateboarders) where the subject may fall while it is in motion or in situations where the subject may fall from an elevated surface.*

*The CEW should not be used when combustible gases or flammable liquids are present.*

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

24. Restrain individual, and secure CEW.
    a. Effect arrest of criminal suspect against whom CEW was used.
    b. Comply with *P.G. 210-13, "Release of Prisoner – General Procedure,"* if arrested person did not commit the crime or no crime was committed.
    c. Comply with *P.G. 221-13, "Mentally Ill or Emotionally Disturbed Persons,"* when appropriate.
25. Request response of FDNY Emergency Medical Service (EMS), if person received a CEW discharge.
    a. Any person who has been struck by a CEW probe or who has had a CEW used on him or her in drive stun mode must be examined at a medical facility.
26. Render reasonable aid as necessary.
27. Break CEW cartridge wire by hand approximately four to six inches from probe, taking into account circumstances, including status of subject.
    a. Any probe that has penetrated the skin of any person will only be removed by medical personnel.

***NOTE***

*If a CEW was discharged and the probe did not make any contact with subject (e.g., skin, clothing, etc.), the wire connecting probe to the cartridge may be broken by hand. The probe portion shall be disposed of in a "sharps" container and the spent cartridge may be disposed of in the trash and not invoiced. An investigation will still be conducted by the investigating supervisor regarding the use of the CEW.*

28. Safeguard CEW cartridge.

***NOTE***

*Spent CEW cartridges used by Emergency Service Unit personnel will be safeguarded and invoiced, when appropriate, by command of record for subject on whom CEW was used.*

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

29. Notify immediate supervisor of any discharge or drive stun.

***NOTE*** *As per P.G. 221-03, "Reporting and Investigation of Force Incident or Injury to Persons During Police Action," when there is an incident that involves the discharge of a Conducted Electrical Weapon, the immediate supervisor must be in the next higher rank.*

30. Complete **THREAT, RESISTANCE OR INJURY (T.R.I.) INTERACTION REPORT** and comply with *P.G. 221-03, "Reporting and Investigation of Force Incident or Injury to Persons During Police Action."*

**IMMEDIATE SUPERVISOR**

31. Review facts and circumstances surrounding incident.
32. Notify desk officer, precinct of occurrence.
33. Assign member of the service to ride in body of ambulance with prisoner or aided.

**ASSIGNED UNIFORMED MEMBER OF THE SERVICE**

34. Inform hospital staff that a CEW has been used on the individual.
    a. Record name of person notified in digital **Activity Log**.
35. Prepare **ON LINE BOOKING SYSTEM ARREST WORKSHEET (PD244-150)** and **MEDICAL TREATMENT OF PRISONER (PD244-150)** in arrest situations.
36. Complete **AIDED REPORT** in non-arrest situations.
37. Prepare **PROPERTY CLERK INVOICE WORKSHEET (PD521-141a)** for spent CEW cartridge.
    a. Spent cartridge used will be placed in a Plastic Security Envelope and delivered to desk officer.
    b. Ensure **PROPERTY CLERK INVOICE** number is documented on appropriate Department forms prepared.

***NOTE*** *Probes will not be vouchered but should be disposed of in a "sharps" container by medical personnel. Members of the service should refrain from handling a probe that has been removed from a subject, as it is a contaminated sharp. Deployed CEW cartridges must be vouchered whenever one (or more) probes, or the electrodes of the cartridge (drive stun) come into contact with an individual.*

**IMMEDIATE SUPERVISOR**

38. Perform duties of "immediate supervisor" as per *P.G. 221-03, "Reporting and Investigation of Force Incident or Injury to Persons During Police Action."*
39. Take digital photographs of points of contact on subject's body resulting from CEW probes or drive stun.
    a. Photos should be taken in a manner to maintain privacy, when appropriate (e.g., behind curtain, private room, etc.).
    b. After **THREAT, RESISTANCE OR INJURY (T.R.I.) INCIDENT REPORT** is entered into the FORMS – T.R.I. application, upload any digital photographs that were taken in connection.

**IMMEDIATE SUPERVISOR (continued)**

40. Notify Firearms and Tactics Section:
    a. Obtain "FTS CEW Log Number".
    b. Enter "FTS CEW Log Number" and name of person notified in Telephone Record.
41. Deliver copies of reports prepared in connection with CEW usage to desk officer.

**DESK OFFICER**

42. Make required command log entries and notifications as per *P.G. 221-03, "Reporting and Investigation of Force Incident or Injury to Persons During Police Action."*

**INVESTIGATING SUPERVISOR**

43. Conduct investigation and prepare and forward report(s) as per *P.G. 221-03, "Reporting and Investigation of Force Incident or Injury to Persons During Police Action."*
    a. Forward additional copy of report(s) to Commanding Officer, Firearm and Tactics Section (DIRECT).

***NOTE*** *If during the course of the investigation data from the CEW is required to be downloaded, the Borough Investigations Unit will be notified.*

**COMMAND TRAINING SERGEANT**

44. Ensure all UMOS that are responsible for unintentional discharges attend mandatory retraining sessions offered by the Firearms and Tactics Section.
    a. UMOS must be scheduled to attend the "CEW Safe Handling Course" via the TACTICS system within five business days of an unintentional discharge.

**COMMAND OPERATIONS COORDINATOR**

45. Maintain an inventory file of all CEWs, cartridges, holsters and batteries assigned to command.
    a. Conduct a monthly inspection of all equipment to ensure operability and availability.
        i. Advise commanding officer of the results of inspection.
    b. Prepare, quarterly, a CEW inventory report, and forward to appropriate bureau training coordinator upon completion.
    c. If equipment is missing or unaccounted for, conduct an investigation as per *P.G. 219-20, "Loss or Theft of Department Property."*
46. Ensure all requests for replacement/loaner CEWs, and replacement batteries, cartridges, or Department holsters are delivered with applicable report(s) to the Firearms and Tactics Section (Rodmans Neck Outdoor Range) on the second platoon, within 72 hours.

**COMMANDING OFFICER, FIREARMS AND TACTICS SECTION**

47. Maintain a log /database for CEW usage.
48. Query FORMS – T.R.I. application to analyze the use of CEWs.
49. Compile data regarding use and effectiveness of CEWs used by members of the Department and forward monthly reports on usage to the First Deputy Commissioners (through channels).

**FIRST DEPUTY COMMISSIONER**

50. Incorporate relevant information into tactical training.
51. Review adequacy of investigations and appropriateness of CEW usage.

***ADDITIONAL DATA***

*Any cartridge that has been discharged or damaged MUST be replaced within 72 hours.*

*CEWs will only be used by authorized uniformed members of the service. Additionally, all supervisors performing patrol duties are to carry a CEW, if available. CEWs should be carried in an authorized holster attached to the belt of members of the service performing patrol duty in uniform and should be available for use by members of the service performing patrol duty in civilian attire.*

*CEWs are not to be personally assigned to any MOS on a continual basis without authorization from Commanding Officer, Firearms and Tactics Section.*

*If a CEW has been seized for investigative purposes, it is the responsibility of the investigative unit to ensure a notification is made to the Commanding Officer, Firearms and Tactics Section. Commands which have had a CEW seized for investigative purposes will be responsible for retrieving the CEW upon the conclusion of the investigation.*

***RELATED PROCEDURES***

*Prisoners Requiring Medical/Psychiatric Treatment (P.G. 210-04)*
*Release of Prisoner – General Procedure (P.G. 210-13)*
*Aided Cases - General Procedure (P.G. 216-01)*
*Mentally Ill or Emotionally Disturbed Persons (P.G. 221-13)*
*Invoicing Property – General Procedure (P.G. 218-01)*
*Required Equipment (P.G. 204-09)*
*Reporting and Investigation of Force Incident or Injury to Persons During Police Action (P.G. 221-03)*
*Force Guidelines (P.G. 221-01)*

***FORMS AND REPORTS***

***PROPERTY CLERK INVOICE WORKSHEET (PD521-141A)***
***AIDED REPORT***
***ON-LINE BOOKING SYSTEM ARREST WORKSHEET (PD255-159)***
***MEDICAL TREATMENT OF PRISONER (PD244-159)***
***THREAT, RESISTANCE OR INJURY (T.R.I.) INCIDENT REPORT***
***THREAT, RESISTANCE OR INJURY (T.R.I.) INTERACTION REPORT***
***Typed Letterhead***

# PATROL GUIDE

| Section: Tactical Operations | | Procedure No: 221-09 | |
|---|---|---|---|
| **USE OF TEAR GAS** | | | |
| DATE ISSUED: 06/01/16 | DATE EFFECTIVE: 06/01/16 | REVISION NUMBER: | PAGE: 1 of 2 |

**PURPOSE** To provide for the use of tear gas.

**SCOPE** Tear gas is an effective device when used judiciously in selected tactical situations. Its use by the Emergency Service Unit is designed to minimize, rather than increase, the potential for serious physical injury. However, such use carries with it the danger of physical injury or material damage regardless of the care exercised in its application. Therefore, it is imperative that measures be established for the judicious use of tear gas by members trained for this purpose while at the same time providing for the decontamination of those affected, whether civilian or police personnel.

**PROCEDURE** When circumstances indicate the use of tear gas may be warranted:

**RANKING UNIFORMED MEMBER OF THE SERVICE AT SCENE**

1. Notify radio dispatcher and request the following to respond to the scene:
   a. Precinct commander/duty captain
   b. Borough commander or designee
   c. Emergency Service REP Unit and truck
   d. Emergency Service Unit supervisor.

***NOTE*** *The ultimate decision concerning use of tear gas rests with the patrol borough commander or designee. Technical decisions concerning amount of gas and method of application will be made by the ranking member of the Emergency Service Unit at the scene.*

**BOROUGH COMMANDER/ DESIGNEE AND EMERGENCY SERVICE UNIT SUPERVISOR**

2. Prior to use of tear gas, develop an operational plan to include, but not be limited to, the following:
   a. Establish a designated mobilization point.
   b. Station all police personnel not actively engaged in using the gas at a safe distance from its contaminating effects.
   c. Evacuation of all civilians from premises and away from areas likely to be affected by police operations, <u>if</u> 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, <u>ALL</u> persons exposed to the gas should be isolated from public contact, if possible, and afforded necessary treatment, including medical evaluation, when indicated.*

***ADDITIONAL DATA (continued)***

*First aid procedures call for the immediate removal of persons from the contaminated area to an open and upwind position. Eyes should be kept open and facing the wind and, if feasible, flushing the face, eyes and exposed skin with copious amounts of fresh, cool water is recommended. As noted above and if time allows, the Decontamination Trailer should be activated and brought to the mobilization point for this purpose. When the decision is made to use tear gas, the Decontamination Trailer should be made operative and positioned so that affected individuals can be decontaminated immediately. This method can be used to remove virtually all tear gas residue and should prevent unnecessary contamination of hospital emergency rooms if further treatment is necessary. Contaminated clothing should be removed at the scene, if practicable, and replaced by a disposable 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 Requiring Medical/Psychiatric Treatment" and related procedures will be complied with.*

***RELATED PROCEDURES***

*Aided Cases - General Procedure (P.G. 216-01)*
*Prisoners Requiring Medical/Psychiatric Treatment (P.G. 210-04)*

# PATROL GUIDE

| Section: Tactical Operations | | Procedure No: 221-10 | |
|---|---|---|---|
| **USE AND ISSUANCE OF SHOTGUNS/ LONG GUNS/AUTOMATIC WEAPONS** | | | |
| DATE ISSUED: 08/28/19 | DATE EFFECTIVE: 08/28/19 | REVISION NUMBER: | PAGE: 1 of 4 |

**PURPOSE** To provide guidelines for the use of shotguns/long guns/automatic weapons and to maintain security and control the issuance of such weapons.

**PROCEDURE** When a uniformed member of the service is issued a shotgun/long gun/automatic weapon:

**DEFINITION** SPECIAL WEAPONS - Refers to shotguns/long guns/automatic weapons.

***NOTE*** *The following guidelines are to be followed by all uniformed members of the service; however, more restrictive and/or specific guidelines may be imposed by a bureau chief, in addition to those listed below.*

**DESK OFFICER**

1. Maintain a log in a department record book, consisting of three sections, entitled "Special Weapons Record:"
   a. The first section, twenty pages labeled "QUALIFICATION SECTION," will be captioned on a single page as follows:

| MEMBER'S RANK NAME | TAX REGISTRY NUMBER | DATE QUALIFIED | DATE QUALIFIED | DATE QUALIFIED |
|---|---|---|---|---|

   b. The second section labeled "ISSUANCE SECTION" will be captioned, across a double page, as follows:

**LEFT PAGE**

| DATE | TIME OUT | RANK | NAME | SIGNATURE | SHIELD NUMBER | CURRENT DATE QUALIFIED | REASON |
|---|---|---|---|---|---|---|---|

**RIGHT PAGE**

| SPECIAL WEAPON SERIAL NO. | SIGNATURE OF SUPERVISOR AUTHORIZING USE | TIME RETURNED | SIGNATURE OF VERIFYING SUPERVISOR |
|---|---|---|---|

   c. Third section, last four pages labeled "MAINTENANCE SECTION" will be captioned across a double page, as follows:

**LEFT PAGE**

| DATE RECEIVED SPECIAL WEAPON | SPECIAL WEAPON SERIAL NUMBER | DATE REMOVED FROM COMMAND | REASON | MOS SIGNATURE |
|---|---|---|---|---|

**RIGHT PAGE**

| SIGNATURE OF SUPERVISOR AUTHORIZING REMOVAL | DATE RETURNED | SIGNATURE OF SUPERVISOR VERIFYING RETURN OF SPECIAL WEAPON | DATE INSPECTED BY FIREARMS UNIT |
|---|---|---|---|

***NOTE*** *The Office of the Chief of Special Operations has separate guidelines for the issuance of special weapons.*

2. Have unissued special weapons stored in the locked gun cabinet.

***NOTE*** *Special weapons should be wiped down and lubricated periodically by an authorized person at the command of issuance.*

**DESK OFFICER (continued)**

3. Verify that member concerned is currently qualified by the Department in the use of special weapons to be used.

***NOTE*** *Under no circumstances will a special weapon be issued to, or handled by a member whose range qualifications are not current.*

4. Make required entries in "Special Weapons Record".
5. Issue special weapon to qualified member concerned.

***NOTE*** *A shotgun is a mandated item of equipment when one officer sector patrol vehicles are utilized and for use by solo Highway District personnel.*

6. Make a Command Log entry at the beginning of each tour indicating the disposition of all special weapons assigned to command.

**UNIFORMED MEMBER OF THE SERVICE**

7. Make required entries in "Special Weapons Record".
8. Load/unload the special weapon at the safety station maintained at command.

***NOTE*** *Uniformed members of the service shall only carry special weapons and ammunition authorized and issued by this Department while on duty.*

UNIFORMED MEMBER OF THE SERVICE ASSIGNED TO DESIGNATED SECTOR AS A SOLO UNIT:

**UNIFORMED MEMBER OF THE SERVICE**

9. Lock and secure windows, doors, and place shotgun in the locking device of RMP in all of the following situations:
   a. When leaving shotgun in an unoccupied vehicle
   b. When responding to a scene where other members are present, unless extraordinary circumstances dictate the need for shotgun.
10. Immediately return shotgun to precinct of issuance, if defective.

**DESK OFFICER**

11. Have defective shotguns/other special weapons delivered to Department Gunsmith at the Outdoor Range, for repairs or replacement, during the second platoon, Monday through Friday.
12. Notify patrol supervisor and Communications Section of any change in the status of a solo RMP unit.

***NOTE*** *In all cases where a solo RMP unit, assigned to a designated sector, is converted to a solo SP10, solo summons unit or any other one or two officer unit, the shotgun must be immediately returned to the command.*

***ADDITIONAL DATA***

*Uniformed members of the service should not unnecessarily display special weapons. Their use should be limited to those situations where the officer would ordinarily carry his firearm in his hand for the purpose of safety and the tactical situation indicates use of a special weapon clearly outweighs the use of the handgun. The actual use of the special weapon should only be in a situation where the circumstances spell out a potential case of justifiable use of deadly physical force, as a last resort after all other means have been exhausted. All provisions of the Patrol Guide and other Department directives regarding the use of firearms are also applicable use of special weapons.*

*The following additional guidelines regarding the issuance and utilization of special weapons for various Department units are to be complied with in addition to the preceding procedures:*

*DETECTIVE BUREAU:*

*Detective Bureau personnel shall utilize the special weapons and tactical expertise of Emergency Service personnel for pre-planned events. If there is insufficient time or other compelling factors are present, a captain or above may authorize the issuance of special weapons when all the following circumstances exist:*

*a. A tactical plan is formulated*
*b. It is a potential arrest situation*
*c. An arrest or search warrant has been issued.*
*d. There is a history of violence on the part of the perpetrator.*

*Special weapons may be issued when other circumstances would lead a reasonable person to believe that the use of special weapons would be prudent and necessary. A captain or above must accompany those members issued such weapons on their assignments and maintain firearms control. A captain or above will insure that all members are wearing a protective vest and the special weapon is unloaded, opened and encased while being transported to scene and upon conclusion of assignment. The special weapon will not be loaded until arrival at scene of incident. Special weapons shall not be used without the direction of the captain or above except in those situations which require immediate action to prevent serious bodily injury or death and then only if the lives of innocent people are not unnecessarily endangered.*

*When services of Emergency Service Unit are utilized in connection with a pre-planned tactical operation, only members of Emergency Service Unit will carry shotguns/special weapons.*

*EMERGENCY SERVICE UNIT/HARBOR UNIT:*

*The use of special weapons will be limited to specific instances as outlined below:*

*a. When a barricaded criminal, hostage taker or emotionally disturbed person possesses a firearm or the member has reasonable grounds to believe such person possesses a firearm.*
*b. When a hostage taker is armed with a weapon and is threatening the life of a hostage and it may become necessary to use deadly physical force to protect the life of the hostage.*
*c. When conducting searches for armed perpetrators or when it is believed such perpetrators are armed, including the executions of warrants.*
*d. When engaged in VIP escorts and protection.*

***ADDITIONAL DATA (continued)***

*e. When guarding dangerous criminals in conjunction with the New York City Department of Corrections.*

*f. When guarding payrolls, narcotics or weapons transfers.*

*g. When a captain or above deems a special weapon appropriate for the situation at hand.*

*h. When a spontaneous incident takes place which requires immediate action to prevent serious bodily injury or death, and then only if the lives of innocent people are not unnecessarily endangered.*

*i. Special weapons shall not be utilized in restraining an emotionally disturbed person unless the circumstances of sub-division "a" exist.*

*Authorized members of the service assigned to Highway Units can be issued special weapons under circumstances described in sub-divisions "d" and "e" above.*

*A special weapon is issued to a member for his own protection and will, as a general rule, only be employed in the defense of his own life, another officer's life, or the life of an innocent civilian.*

*Uniformed members of the service that have not been trained in specialized tactics utilized by Emergency Service Unit personnel should not be used as their replacements.*

***RELATED PROCEDURE***

*Firearms Discharge by Uniformed Members of the Service (P.G. 221-04)*

NYPD

| Section: Tactical Operations | | Procedure No: 221-11 | |
|---|---|---|---|
| **GUIDELINES AND APPROVAL PROCESS PERTAINING TO THE USE OF DISTRACTION DEVICES** | | | |
| DATE ISSUED: 06/20/17 | DATE EFFECTIVE: 06/20/17 | REVISION NUMBER: | PAGE: 1 of 2 |

1. A distraction device is a less lethal hand-held apparatus which generates startling sound and light energy when deployed into a confined area. Its purpose is to provide short-term tactical cover for officers making high risk tactical entries. These devices are less lethal and are only authorized for use by trained members of the Emergency Services Unit to minimize the risk of physical injuries to all persons present. Use of these devices may be considered during a search warrant execution tactical plan meeting, or may develop ad hoc at the scene of an emotionally disturbed person, a perpetrator search, etc. Circumstances which may support the use of these devices include but are not limited to; the possible presence of firearms, dangerous animals, known violent subjects, multiple subjects and/or the history of the location.

2. Effective immediately, distraction devices may only be utilized upon the specific approval of the Chief of Department. There are NO exceptions to this requirement.

3. A distraction device will not ordinarily be employed during search warrant executions or similar tactical entries, except in those situations where its use is clearly necessary. When the Captain or above concerned believes that ensuring the safety of all persons concerned requires the use of a distraction device, the following approval process will be adhered to:

4. Situations involving the execution of Search Warrants:

a. The Captain or above concerned will contact the Borough Executive Officer and request permission to utilize the device.

***NOTE*** *If the Borough Executive Officer is unavailable, information will be forwarded to the Borough Commanding Officer. When exigent circumstances exist, the Duty Chief may be contacted for approval.*

b. Borough Executive Officer will review request and if he/she concurs, will confer with the Chief of Department for final approval.

***NOTE*** *In those exigent circumstances involving the execution of search warrants, where conditions exist that would preclude the notification and approval process, the Captain or above contemplating the use of a distraction device will request the approval of the Chief of Department direct, via the Operations Division.*

5. Situations involving emotionally disturbed person(s), perpetrator searches or other exigent circumstances:

a. The captain or above concerned will notify the Duty Inspector regarding the situation and request approval.

b. If the Duty Inspector concurs, he/she will request the approval of the citywide Duty Chief.

c. If the Duty Chief, after considering all available alternatives, agrees that the use of the device is necessary, he/she will contact the Chief of Department via Operations Division for final approval of the use of a distraction device.

AT EVERY LEVEL, THE CIRCUMSTANCES SUPPORTING THE PROPOSED USE OF THIS DEVICE WILL BE EXAMINED AND ALL OTHER ALTERNATIVES WILL BE CONSIDERED BEFORE RECOMMENDING APPROVAL OF ITS USE.

A DISTRACTION DEVICE MAY NOT BE UTILIZED WITHOUT THE PRIOR DIRECT KNOWLEDGE AND APPROVAL OF THE CHIEF OF DEPARTMENT.

6. Upon conclusion of the incident during which a distraction device was used, the Captain concerned will notify the Emergency Service Unit (E.S.U.) Desk Officer and obtain a Distraction Device Utilization Control Number. He/she will prepare a ***Typed Letterhead*** report outlining the circumstances, which justified the use of this device and the names of all persons notified. This report will be forwarded through channels to the Chief of Department.

NYPD

**PURPOSE** To safeguard a mentally ill or emotionally disturbed person who does not voluntarily seek medical assistance.

**SCOPE** The primary duty of all members of the service is to preserve human life. The safety of all persons involved is paramount in cases involving emotionally disturbed persons. If such person is dangerous to himself or others, force may be used when it is reasonable to prevent serious physical injury or death. Members of the service will use only the reasonable force necessary to gain control or custody of a subject. When there is time to negotiate, all the time necessary to ensure the safety of all individuals will be used.

**DEFINITIONS** EMOTIONALLY DISTURBED PERSON (EDP) - A person who appears to be mentally ill or temporarily deranged and is conducting himself in a manner which a police officer reasonably believes is likely to result in serious injury to himself or others.

ESTABLISHING/MAINTAINING FIREARMS CONTROL – Uniformed members of the service (UMOS) will not discharge firearms against a person except to protect UMOS and/or the public from imminent serious physical injury or death. Utilize situational awareness to recognize and take immediate action to communicate and correct tactical concerns related to the use of firearms. Ensure muzzle and trigger finger discipline at all times. When possible, avoid crossfire situations and mass reflexive response while maintaining distance and cover from the threat(s).

CROSSFIRE – The unintentional placement of any person, including members of the service and bystanders, who are not the lawful subject of deadly physical force, in a position where they may be injured as the result of a firearms discharge. When faced with a threat of deadly physical force, members of the service must be cognizant of their own position and the position of other responding officers, the possibility that they may misidentify another member of the service or that they may be misidentified, and the possibility of mass reflexive response, and take all reasonable steps to mitigate these risks. Members of the service will not discharge a firearm when doing so will unnecessarily endanger innocent persons.

CROSSFIRE AWARENESS – Being aware of the location of a threat(s) and what is in front of, around, and behind it. Upon arrival at the scene of an incident, and throughout the encounter, UMOS should always attempt to take a position that limits the chances of placing themselves, other UMOS, or innocent bystanders in the line of fire. Upon becoming aware of crossfire circumstances, immediately communicate that awareness to other UMOS at the scene by stating "crossfire."

**DEFINITIONS (continued)**

ZONE OF SAFETY - The distance to be maintained between the EDP and the responding member(s) of the service. This distance should be greater than the effective range of the weapon (other than a firearm), and it may vary with each situation (e.g., type of weapon possessed, condition of EDP, surrounding area, etc.). A minimum distance of 20 feet is recommended. An attempt will be made to maintain the "zone of safety" if the EDP does not remain stationary.

**PROCEDURE**

When a uniformed member of the service reasonably believes that a person who is apparently mentally ill or emotionally disturbed, must be taken into protective custody because the person is conducting himself in a manner likely to result in a serious injury to himself or others:

**UNIFORMED MEMBER OF THE SERVICE**

1. Request "EDP location history" from dispatcher prior to arrival on scene, when responding to a call for service involving a possible EDP.
   a. Request "EDP location history" when receiving a pick-up of a possible EDP, if time allows.

***NOTE*** *Communications Section will automatically alert responding units if location has prior EDP history that resulted in Emergency Service response and support.*

2. Request Communications Section to contact the complainant while enroute to location, if possible, to obtain additional information.
3. Transmit radio code signal "10-84" upon arrival on scene.

***NOTE*** *A "10-84" requirement extends equally to patrol personnel, as well as, members assigned to specialty units (e.g., Emergency Service Unit [ESU], Hostage Negotiation Team [H.N.T.], Technical Assistance Response Unit [T.A.R.U.], etc.).*

4. Comply with *P.G. 212-123, "Use of Body-Worn Cameras,"* if assigned a Body-Worn Camera.
5. Carry three foot polycarbonate shield with door bag (door rope/door wedge) affixed, if available.
   a. Utilize for protection, as necessary.
6. Request and/or ensure the response of:
   a. Patrol supervisor
   b. Additional personnel/equipment (e.g., Emergency Service Unit, etc.), if necessary
   c. Ambulance.

***NOTE*** *Communications Section will automatically direct the patrol supervisor and Emergency Service Unit to respond to scene in such cases.*

7. Assess situation as to threat of immediate serious physical injury to EDP, other persons present, or members of the service.

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

8. Attempt to gather information that will aid in tactical considerations (e.g., history of EDP, physical layout of location, individuals present, potential escape routes, etc.).
9. Attempt to slow the pace of the incident and establish dialogue with the EDP while awaiting arrival of specialized personnel, if necessary.
   a. When there is time to de-escalate, all time necessary to ensure the safety of all individuals concerned will be used. The safety and well-being of the EDP, as well as, all persons present is of paramount concern.
   b. Avoid any action which might agitate or provoke the EDP, if possible.
10. Attempt to isolate and contain the EDP while maintaining a zone of safety until arrival of patrol supervisor and Emergency Service Unit personnel.
   a. Utilize door rope or door wedge to isolate and contain EDP, when necessary and equipped.
      (1) Secure door with only one door rope at any given time using recommended girth hitch knot.
      (2) If another individual is present with EDP, door rope or door wedge should only be used in exigent circumstances.
      (3) Do not remove door rope or door wedge without authorization of uniformed supervisor at the scene or at direction of Emergency Service Unit personnel, unless exigent circumstances exist.

**PATROL SUPERVISOR**

11. Respond to location unless EDP has been removed from scene.
   a. If unavailable, another uniformed supervisor (e.g., platoon commander, etc.) will respond and assume control of situation.
   b. Respond to location even if a supervisor from another police agency is present.
12. Transmit radio code signal "10-84" upon arrival on scene.
13. Establish firearms control.
14. Verify that Emergency Service Unit is responding, if required.
   a. Cancel response of Emergency Service Unit if services not required.
      (1) Response of Emergency Service Unit may only be canceled by a uniformed supervisor in the rank of sergeant or above.

EDP'S ACTIONS CONSTITUTE IMMEDIATE THREAT OF SERIOUS PHYSICAL INJURY OR DEATH TO THEMSELVES OR OTHERS:

**UNIFORMED MEMBER OF THE SERVICE**

15. Take reasonable measures to terminate or prevent such behavior.
   a. Deadly physical force will be used only as a last resort to protect the life of persons or officers present.

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

16. Make every effort to de-escalate the situation through tactical communication, if feasible and consistent with personal safety.
    a. Use crisis communication techniques to gain voluntary compliance.

***NOTE***

*Damaging of property would not necessarily constitute an immediate threat of serious physical injury or death.*

EDP IS UNARMED, NOT VIOLENT, AND WILLING TO LEAVE VOLUNTARILY:

**UNIFORMED MEMBER OF THE SERVICE**

17. Take EDP into custody without the specific direction of a supervisor.
18. Comply with steps "39" through "49."

WHEN EDP IS ISOLATED/CONTAINED BUT WILL NOT LEAVE VOLUNTARILY:

**UNIFORMED MEMBER OF THE SERVICE**

19. Request response of H.N.T. and coordinator and T.A.R.U. through Communications Section and comply with *P.G. 221-14, "Hostage/Barricaded Person(s),"* where appropriate.
20. Comply with steps "39" through "49," when EDP is safeguarded and restrained.

**PATROL SUPERVISOR**

21. Use Crisis Intervention Team (CIT) trained members as contact officers when appropriate and available.
    a. If a non-CIT trained officer has established a rapport with the subject, allow that officer to continue communications. In those situations, CIT trained officers can support the non-CIT trained officer, when necessary.
22. Employ less lethal devices when necessary to ensure the safety of all present.
    a. Use Conducted Electrical Weapon (CEW), if necessary, in accordance with *P.G. 221-08, "Use of Conducted Electrical Weapons (CEW)."*
    b. Comply with *P.G. 221-03, "Reporting and Investigation of Force Incident or Injury to Persons During Police Action,"* when a less lethal device is used.
23. Direct removal of door rope or door wedge if EDP's actions constitute immediate threat of serious physical injury or death to themselves or others and take reasonable measures to terminate or prevent such behavior.
24. Request response of commanding officer/duty captain.
25. Notify desk officer that H.N.T. and coordinator, and T.A.R.U. have been notified, and commanding officer/duty captain has been requested.
26. Request Emergency Service Unit on scene to have Emergency Service Unit supervisor respond.

**PATROL SUPERVISOR (continued)**

27. If necessary, request assistance of:
    a. Interpreter, if language barrier
    b. Subject's family or friends
    c. Local clergyman
    d. Prominent local citizen
    e. Any public or private agency deemed appropriate for possible assistance.
28. Take no additional action without authorization of commanding officer or duty captain at the scene, if EDP is contained and is believed to be armed or violent but due to containment poses no immediate threat of danger to any person.

**EMERGENCY SERVICE UNIT SUPERVISOR**

29. Report to and confer with ranking patrol supervisor on scene.
    a. If there is no patrol supervisor present, request response forthwith, and perform duties of patrol supervisor pending his/her arrival.
30. Evaluate the need and ensure that appropriate Emergency Service Unit personnel and equipment are present at the scene to deal with the situation.
31. Verify that H.N.T. and coordinator are responding, when necessary.
32. Devise plans and tactics to deal with the situation, after conferral with ranking patrol supervisor on scene.
33. Direct use of EDP Mesh Restraining Device, when appropriate.

**DESK OFFICER**

34. Notify Operations Unit and patrol borough command of facts.

**COMMANDING OFFICER/ DUTY CAPTAIN**

35. Assume command, including firearms control.
36. Confer with ranking Emergency Service Unit supervisor on scene and discuss plans and tactics to be utilized.
37. Direct whatever further action is necessary, including use of negotiators.
38. Direct use of alternate means of restraint, if appropriate, according to circumstances.

<u>WHEN EDP HAS BEEN RESTRAINED</u>:

**UNIFORMED MEMBER OF THE SERVICE**

39. Remove property that is dangerous to life or will facilitate escape.
40. Have EDP removed to hospital in ambulance.
    a. Restraining equipment including handcuffs may be used if EDP is violent, resists, or upon direction of a physician examiner.
    b. When possible, a female EDP being transported should be accompanied by another female or by an adult member of her immediate family.
41. Ride in body of ambulance with EDP.
    a. At least two uniformed members of the service will safeguard if more than one EDP is being transported.
42. Transport EDP to hospital by RMP if able to do so with reasonable restraint at the direction of a supervisor, if an ambulance is not available.

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

a. Under no circumstances will an EDP be transported to a police facility.

43. Inform examining physician upon arrival at hospital of use of less lethal devices used on EDP, if applicable.

44. Unload firearm(s) at firearm safety station, if available, when entering psychiatric ward of hospital (see *P.G. 216-07, "Firearms Safety Stations at Psychiatric Wards and Admitting Areas"*).

45. Safeguard EDP at hospital until examined by psychiatrist.
    a. Inform relieving uniformed member of circumstances if safeguarding extends beyond expiration of tour.

46. Inform psychiatrist of circumstances which brought EDP into police custody.

47. Enter details in digital **Activity Log** and prepare **AIDED REPORT**.
    a. Indicate on **AIDED REPORT**, name of psychiatrist.
    b. Check "CIT Trained UMOS on Scene" caption and complete "Name/Tax Number of CIT Trained UMOS on Scene" section, when applicable.
    c. If FORMS becomes disabled, the uniformed member of the service will utilize the "Narrative" section of the **AIDED REPORT WORKSHEET (PD304-152b)** to document if a CIT trained uniformed member of the service responded, as well as, their name and tax number.

48. Finalize EDP radio run using the appropriate radio code in the following instances:
    a. "10-97E3" - ESU Assisted in Removing EDP
    b. "10-97E4" - Voluntary Surrender to ESU or Hostage Negotiation Team
    c. "10-97E5" - ESU Removal Less Than Lethal Used
    d. Use other appropriate radio codes, as necessary, to finalize EDP radio run.

49. Submit **AIDED REPORT** to desk officer.

***ADDITIONAL DATA***

*Provide persons who voluntarily seek psychiatric treatment with an **NYC WELL PALM CARD (PD154-181)**.*

*Prior to interviewing an EDP confined to a facility of the NYC Health and Hospitals Corporation, a uniformed member of the service must obtain permission from the hospital administrator who will ascertain if the EDP is mentally competent to give a statement.*

*Upon receipt of a request from a qualified psychiatrist, or from a director of a general hospital or his/her designee, uniformed members of the service shall take into custody and transport an apparently emotionally disturbed person from a facility licensed or operated by the New York State Office of Mental Health which does not have an inpatient psychiatric service, or from a general hospital which does not have an inpatient psychiatric service, to a hospital approved under Section 9.39 of the Mental Hygiene Law.*

***ADDITIONAL DATA (continued)***

*Uniformed members of the service will also comply with the above procedure upon direction of the Commissioner of the Department of Health and Mental Hygiene or his/her designee.*

*Training sergeants and/or operations coordinators will maintain an updated list at the desk of members assigned to their command who are CIT trained. This list must be updated on a weekly basis.*

*Desk officers will be responsible for ensuring this list is maintained at the desk at all times.*

*Immediate supervisors of members of the service that have tactical recommendations regarding interactions with an EDP will prepare a report on* ***Typed Letterhead*** *to the command's training sergeant. The training sergeant will compile recommendations on a quarterly basis and forward (through channels) to the Chief of Training.*

***RELATED PROCEDURES***

*Unusual Occurrence Reports (P.G. 212-09)*
*Person Threatening to Jump From Structure (P.G. 212-54)*
*Unlawful Evictions (P.G. 214-12)*
*Aided Cases General Procedure (P.G. 216-01)*
*Preparation of Aided Report (P.G. 216-02)*
*Mental Health Removal Orders (P.G. 216-06)*
*Firearms Safety Stations at Psychiatric Wards and Admitting Areas (P.G. 216-07)*
*Inspection of Department Vehicles Each Tour by Operator (P.G. 219-01)*
*Hostage/Barricaded Person(s) (P.G. 221-14)*
*Use of Conducted Electrical Weapons (CEW) (P.G. 221-08)*
*Reporting and Investigation of Force Incident or Injury to Persons During Police Action (P.G. 221-03)*

***FORMS AND REPORTS***

***AIDED REPORT***
***AIDED REPORT WORKSHEET (PD304-152b)***
***NYC WELL PALM CARD (PD154-181)***
***THREAT, RESISTANCE OR INJURY (T.R.I.) INCIDENT REPORT***
***UNUSUAL OCCURRENCE REPORT (PD370-152)***
***Typed Letterhead***

**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 Operations District, precinct, police service area, transit district, highway district/unit, or Strategic Response Group, 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 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. Offer vehicle operator a **RIGHT TO KNOW BUSINESS CARD (PD142-012)** or **RIGHT TO KNOW BUSINESS CARD – GENERAL (PD142-013)**, as appropriate, and complete rank, last name, shield, and command captions, if appropriate.

**UNIFORMED MEMBER OF THE SERVICE ASSIGNED TO CHECKPOINT (continued)**

a. Provide vehicle passenger with **RIGHT TO KNOW BUSINESS CARD** or **RIGHT TO KNOW BUSINESS CARD – GENERAL**, when requested to do so.

***NOTE***

***RIGHT TO KNOW BUSINESS CARDS*** *or* ***RIGHT TO KNOW BUSINESS CARDS – GENERAL*** *will be distributed during vehicle roadblock or checkpoint stops, including checkpoints related to enforcement of Article 31 of the Vehicle and Traffic Law (Alcohol and Drug-Related Offenses), but not including planned security checks of vehicles at sensitive locations or street closures for public events or emergencies. Effecting an arrest or issuing a summons fulfills the obligation of offering a* ***RIGHT TO KNOW BUSINESS CARD*** *or* ***RIGHT TO KNOW BUSINESS CARD – GENERAL****.*

15. Record the identity (e.g., name, address, telephone, etc.) and statements of witnesses in digital **Activity Log**, whenever an arrest is made in connection with a vehicle checkpoint.

***NOTE***

*If as a result of the vehicle checkpoint, an arrest is effected, the* ***VEHICLE CHECKPOINT FORM*** *prepared for that particular vehicle checkpoint shall be reproduced for the District Attorney's Office.*

**SUPERVISOR IN CHARGE OF CHECKPOINT**

16. 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.
17. Complete the remaining sections of the **VEHICLE CHECKPOINT FORM** at the conclusion of the vehicle checkpoint.
18. Record other pertinent information in digital **Activity Log**.
19. Deliver the completed file folder to the commanding officer of command conducting checkpoint.
    a. Vehicle checkpoints will be sequentially numbered beginning with the number one at the beginning of each calendar year.
    b. Forward copy of **VEHICLE CHECKPOINT FORM** to commanding officer, precinct concerned.

**CLERICAL STAFF**

20. Maintain files as per Department retention schedule.

***ADDITIONAL DATA***

*In case of inclement weather the supervisor in charge may cancel the vehicle checkpoint. Furthermore, traffic congestion and other risk factors may also be taken into consideration when determining whether or not a checkpoint should remain in place. In any event, regardless of conditions, a vehicle checkpoint should not exceed two hours at a location. Commanding officers may draft specific procedures for vehicle checkpoints that meet the needs of their command, using this general procedure as a guide. When*

***ADDITIONAL DATA (continued)***

*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***

***RIGHT TO KNOW BUSINESS CARD (PD142-012)***
***RIGHT TO KNOW BUSINESS CARD – GENERAL (PD142-013)***
***VEHICLE CHECKPOINT FORM (PD371-143)***

NYPD

# PATROL GUIDE

| Section: Tactical Operations | | Procedure No: 221-18 | |
|---|---|---|---|
| **USE OF DEPARTMENT CANINE TEAMS** | | | |
| DATE ISSUED: 08/28/19 | DATE EFFECTIVE: 08/28/19 | REVISION NUMBER: | PAGE: 1 of 3 |

**PURPOSE** To inform uniformed members of the service of circumstances under which the Department's canine teams may be utilized.

**SCOPE** AUTHORIZED TACTICAL USES: PATROL CANINES

a. Search buildings where a possible break-in is indicated or where a suspect may be hiding, providing non-suspects are not present in the building.
b. Track suspects or missing persons.
c. Locate lost/abandoned articles or hidden implements of crime.
d. Assist in effecting arrest or preventing escape of person who police officer has probable cause to believe committed a felony.
e. Protect police officers and other persons from injury and death.
f. Assist in the service of arrest/search warrants.
g. Safeguard police equipment and designated facilities, as needed.
h. Perform cadaver searches for deceased humans or body part(s).
i. Locate persons trapped or buried in a building collapse or search and rescue situation.
j. Perform searches for felony suspects within the transit system, including subway tracks.

***NOTE*** *Tactical use of canine teams not specifically authorized is prohibited without prior approval of the borough commander concerned.*

**PROCEDURE** When necessary to request utilization of a Department canine team:

**UNIFORMED MEMBER OF THE SERVICE**

1. Request patrol supervisor to respond to the scene.

***NOTE*** *Canine teams are available for duty upon request from any command/unit within the Department.*

**PATROL SUPERVISOR**

2. Determine if circumstances warrant use of canine team.
3. Request response of canine team through radio dispatcher.
4. Consult with canine handler(s) prior to directing the tactical use of canine team(s) to determine if required task can be performed.
5. Establish appropriate perimeter around area to be searched.
   a. Avoid contamination of the scene with human scent created by the presence of unnecessary persons, including police personnel, when searching a building or tracking.
6. Notify commanding officer/duty captain concerned of any incident of physical injury caused by a canine.
   a. Comply with *P.G. 221-03*, "*Reporting and Investigation of Force Incident or Injury to Persons During Police Action*."

**UNIFORMED MEMBER HANDLING CANINE**

7. Notify member's commanding officer/duty captain and canine supervisor immediately when canine injures anyone or is involved in any incident that may cause civil liability to the City of New York, on or off-duty, regardless of incident location.

**PRECINCT COMMANDER/ DUTY CAPTAIN CONCERNED**

8. Investigate any incident of physical injury caused by a canine.
   a. Comply with *P.G. 221-03, "Reporting and Investigation of Force Incident or Injury to Persons During Police Action."*
9. Ensure immediate notifications are made to canine supervisor/coordinator after any canine incident.
10. Prepare report on **Typed Letterhead** detailing tactical uses of canine teams within the command and maintain appropriate records.
    a. Forward copy of report to canine coordinator through the Office of the Chief of Special Operations.

***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 Office of the Chief of Special Operations.*

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 Office of the Chief of Special Operations.*

*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 Office of the Chief of Special Operations or Emergency Service Unit on the scene after consultation with the duty captain and a uniformed member of the Canine Unit.*

***ADDITIONAL DATA (continued)***

*Prior to requesting a Department bloodhound, it must be determined that a good, uncontaminated scent article has been identified and will be safeguarded until the arrival of the bloodhound handler. The article is not to be handled by anyone, including members of the service. If it must be moved or collected, consult with a canine handler for instructions prior to removal. Scent articles can consist of any uncontaminated material (blood, clothing, etc.) that has been recently in contact with the person being sought. Washed clothes are not acceptable.*

*A bloodhound will only trail from an uncontaminated scent article toward a person (living or dead). They are not trained to trail from a person (living or dead) to the origin of the trail (backtrack).*

*Uniformed members of the service requesting a bloodhound should be aware that the bloodhound handler does not have the same protection as a patrol canine handler since a bloodhound is trained to track only, and will not defend the handler or assist in apprehending a subject.*

***RELATED PROCEDURES***

*Reporting and Investigation of Force Incident or Injury to Persons During Police Action (P.G. 221-03)*

***FORMS AND REPORTS***

***Typed Letterhead***

NYPD

| Section: Tactical Operations | Procedure No: 221-21 |
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# SCHOOL SAFETY AGENT - VICTIM OF AN OFFENSE WHILE PERFORMING DUTY

| DATE ISSUED: | DATE EFFECTIVE: | REVISION NUMBER: | PAGE: |
|---|---|---|---|
| 01/08/20 | 01/08/20 | | 1 of 3 |

**PURPOSE** To report and record incidents in which school safety agents are victims of an offense while performing duty.

**PROCEDURE** When a school safety agent is the victim of an offense while performing duty, follow normal civilian work related injury reporting procedures (see "RELATED PROCEDURES") and:

**SCHOOL SAFETY AGENT**

1. Request a school safety supervisor and neighborhood coordination sergeant, precinct of occurrence, to respond.
2. Notify the principal of the incident as soon as possible.
3. Remain at scene unless hospitalization or medical attention is required.
4. Request witnesses to await arrival of the school safety supervisor and the neighborhood coordination sergeant/patrol supervisor.

***NOTE*** *In cases where there is no school safety supervisor assigned to the school, a school safety supervisor MUST respond from the school safety borough office. In cases where the neighborhood coordination sergeant is unavailable, the patrol supervisor MUST respond.*

**SCHOOL SAFETY SUPERVISOR**

5. Ensure that the school principal has been notified.
6. Initiate investigation.
7. Interview school safety agent concerned.
8. Obtain the name of the hospital, attendant and doctor, if removed to a hospital.
9. Have school safety agent prepare, in own handwriting, if possible:
   a. Two copies of **Employee Option Form (DP2002)**
   b. Two copies of **Employee's Notice of Injury (WCD23)** (Law Department form #WCD23), and submit to commanding officer, precinct of occurrence.
10. Interview witness(es) and request that **WITNESS STATEMENT - INJURY TO MEMBER OF THE DEPARTMENT (PD429-065)** be prepared.
11. Prepare two copies of **Supervisor's Report of Injury (WCD201)**.
    a. Ensure that the injury is reported to the Employee Resources Section, Civilian Employee Services Unit immediately following the incident or by the next business day.
12. Prepare **COMPLAINT REPORT WORKSHEET (PD313-152a)**, if necessary, and refer to appropriate precinct detective squad.
13. Prepare a **Police Accident Report (MV104AN)**, if vehicle involved, or **AIDED REPORT**, in all other cases, and forward in normal manner.

**NEIGHBORHOOD COORDINATION SERGEANT/ PATROL SUPERVISOR**

14. Respond to scene and review actions taken by the school safety supervisor.
15. Notify the Operations Unit promptly, if the member of the service injured requires hospital treatment.
    a. An additional notification to the Operations Unit is also required before final reports are prepared to update Operations of the status of the injured member of the service.

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

16. Prepare **THREAT, RESISTANCE OR INJURY (T.R.I) INCIDENT REPORT**, if investigation reveals harassment, assault, reckless endangerment, or menacing against a school safety agent and comply with *P.G. 221-06, "Member of the Service Subjected to Force While Performing Lawful Duty."*
17. Report details to desk officer.
    a. Indicate any negligence on the part of the school safety agent.
18. Prepare report on **Typed Letterhead** and forward to precinct commanding officer.
    a. Forward copy of report to the Commanding Officer, School Safety Division.

**DESK OFFICER**

19. Make Command Log entry regarding results of investigation, and specify:
    a. Whether injury was sustained in the line of duty
    b. Any negligence on the part of the school safety agent.
20. Notify:
    a. Employee Resources Section
    b. Operations Unit
    c. School Safety Division

**SCHOOL SAFETY BOROUGH MANAGER**

21. Forward, to the Employee Resources Section, Civilian Employee Services Unit:
    a. Two copies of report on **Typed Letterhead**
    b. Two copies of **Employee's Notice of Injury**
    c. **WITNESS STATEMENT - INJURY TO MEMBER OF THE DEPARTMENT**, if prepared.
    d. Two copies of the **Employee's Option Form**
    e. Two copies of the **Commanding Officer's Report of Injury (Form E)**
    f. Two copies of the **Supervisor's Report of Injury**.
22. Notify Employee Resources Section, Civilian Employee Services Unit when school safety agent returns to duty and every subsequent time that the agent reports sick and returns to duty as a result of injury.

***ADDITIONAL DATA***

*Whenever a school safety agent, while performing official duties, claims an assault or is the subject of any other crime and the agent wishes to prefer charges, the neighborhood coordination sergeant concerned will determine if probable cause exists. Upon a determination that probable cause exists, the neighborhood coordination sergeant will direct the school safety agent to place the individual under arrest. If the agent (victim) is unable to effect the arrest (e.g., hospitalization, etc.), the neighborhood coordination sergeant will direct another school safety agent to effect the arrest. The school safety agent (victim) will be the complainant in such cases. Under no circumstances shall a school safety agent who is not a peace officer be directed to effect an arrest.*

***RELATED PROCEDURES***

*Member of the Service Subjected to Force While Performing Lawful Duty (P.G. 221-06)*
*Aided Cases - General Procedure (P.G. 216-01)*
*Vehicle Collisions - General Procedure (P.G. 217-01)*
*Civilian Member - Injury (A.G. 319-15)*

***FORMS AND REPORTS***

***WITNESS STATEMENT - INJURY TO MEMBER OF THE DEPARTMENT (PD429-065)***
***COMPLAINT REPORT WORKSHEET (PD313-152a)***
***AIDED REPORT***
***THREAT, RESISTANCE OR INJURY (T.R.I) INCIDENT REPORT***
***Commanding Officer's Report of Injury (Form E)***
***Employee Option Form (DP2002)***
***Employee's Notice of Injury (Law Department Form WCD23)***
***Supervisor's Report of Injury (Law Department Form WCD201)***
***Police Accident Report (MV104AN)***
***Typed Letterhead***

| Section: Tactical Operations | | Procedure No: 221-22 | |
|---|---|---|---|
| **TRAFFIC ENFORCEMENT AGENT VICTIM OF AN OFFENSE WHILE PERFORMING DUTY** | | | |
| DATE ISSUED: 10/07/19 | DATE EFFECTIVE: 10/08/19 | REVISION NUMBER: | PAGE: 1 of 2 |

**PURPOSE** To report and record incidents in which traffic enforcement agents are victims of an offense while performing duty.

**PROCEDURE** When a traffic enforcement agent is the victim of harassment, assault, reckless endangerment, menacing (H.A.R.M.), or any other circumstances that prevent them from performing their duties, follow normal civilian work related injury reporting procedures (see "*RELATED PROCEDURES*") and:

**TRAFFIC ENFORCEMENT AGENT**

1. Request the response of patrol supervisor, precinct of occurrence, and a Traffic Enforcement District supervisor.
2. Remain at scene unless hospitalization or medical attention is required.
3. Request witness(es) to await arrival of the patrol supervisor, precinct of occurrence.

***NOTE*** *In cases involving offenses against traffic enforcement agents, the patrol supervisor, precinct of occurrence must respond to the scene and conduct the initial investigation. A Traffic Enforcement District supervisor must respond to the scene and assist in the investigation.*

**PATROL SUPERVISOR**

4. Investigate circumstances.
5. Interview traffic enforcement agent concerned.
   a. Ensure that proper enforcement action has been taken against any person harassing, assaulting, etc., a traffic enforcement agent, if warranted.
6. Obtain the name of the hospital, attendant and doctor, if removed to a hospital.
   a. Notify the Operations Unit promptly, if the member of the service injured requires hospital treatment.
   b. An additional notification to the Operations Unit is also required before final reports are prepared to update Operations of the status of the injured member of the service.
7. Have **COMPLAINT REPORT (PD313-152)** prepared, if necessary, and refer case to appropriate detective squad if suspect has fled the scene, or if there are other reasons why additional investigation is appropriate.
8. Ensure the preparation of a **Police Accident Report (MV104AN)**, if vehicle involved, or **AIDED REPORT,** in all other cases, and forward in normal manner.
   a. Interview witnesses and have them prepare a **WITNESS STATEMENT – INJURY TO MEMBER OF THE DEPARTMENT (PD 429-065)**.
9. Prepare an **UNUSUAL OCCURRENCE REPORT (PD370-152)**, and include a statement whether the traffic enforcement agent concerned was a victim of assault, (as defined in New York State Penal Law, Section 120), if injury is serious or if it is a newsworthy, significant incident, and forward to Chief of Transportation through channels.

**PATROL SUPERVISOR (continued)**

10. Prepare **THREAT, RESISTANCE OR INJURY (T.R.I.) INCIDENT REPORT**, if investigation reveals harassment, assault, reckless endangerment, or menacing against a traffic enforcement agent and comply with *P.G. 221-06, "Member of the Service Subjected to Force While Performing Lawful Duty."*

**TRAFFIC ENFORCEMENT DISTRICT SUPERVISOR**

11. Notify Traffic Enforcement District, Traffic Management Center, Employee Resources Section and Operations Unit.
12. Forward copies of all forms prepared to the Employee Resources Section, attention of the Civilian Employee Services Unit.

**C.O./ TRAFFIC ENFORCEMENT AGENT INVOLVED**

13. Comply with *Administrative Guide 319-15, "Civilian Member-Injury,"* when a traffic enforcement agent is injured while performing duty.

***ADDITIONAL DATA***

*Whenever a traffic enforcement agent, while performing official duties, claims an assault or is the subject of any other crime by an individual, and the agent wishes to prefer charges, the patrol supervisor, precinct of occurrence will determine if probable cause exists. Upon that determination, an arrest may be affected and the traffic enforcement agent involved will be the complainant in such cases.*

*In all cases where traffic enforcement agents are injured on duty, notifications will be made by Communications Section to both the duty captain and to the Traffic Management Center. The Traffic Management Center will then notify a ranking member of the Traffic Enforcement District.*

***RELATED PROCEDURES***

*Member of the Service Subjected to Force While Performing Lawful Duty (P.G. 221-06)*
*Aided Cases - General Procedure (P.G. 216-01)*
*Vehicle Collisions - General Procedure (P.G. 217-01)*
*Civilian Member - Injury (A.G. 319-15)*

***FORMS AND REPORTS***

***WITNESS STATEMENT - INJURY TO MEMBER OF THE DEPARTMENT (PD429-065)***
***COMPLAINT REPORT WORKSHEET (PD313-152a)***
***AIDED REPORT***
***THREAT, RESISTANCE OR INJURY (T.R.I.) INCIDENT REPORT***

# PATROL GUIDE

| Section: Tactical Operations | Procedure No: 221-23 |
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## ALCOHOL TESTING FOR UNIFORMED MEMBERS OF THE SERVICE INVOLVED IN FIREARMS DISCHARGES RESULTING IN INJURY, DEATH OR LIKELIHOOD OF INJURY OR DEATH OF A PERSON

| DATE ISSUED: | DATE EFFECTIVE: | REVISION NUMBER: | PAGE: |
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| 07/24/18 | 07/24/18 | | 1 of 3 |

**PURPOSE** To ensure the highest levels of integrity at the scene of on or off duty police involved firearms discharges, which result in the reasonable possibility of injury or death of a person within New York City.

**PROCEDURE** When involved in, or responding to the scene of an on or off duty police involved firearms discharge which results in injury or death, or the likelihood of injury or death of a person within New York City:

**UNIFORMED MEMBER OF THE SERVICE**

1. Request immediate response of patrol supervisor.
2. Comply with the provisions of *P.G. 221-04, "Firearms Discharge by Uniformed Members of the Service."*

**PATROL SUPERVISOR**

3. Notify Operations Unit of shooting, immediately, and request response of Force Investigation Division (FID) personnel (including FID Zone Commander) and the Patrol Services Bureau duty inspector and duty captain.

**DUTY CAPTAIN/ INSPECTOR**

4. Inform uniformed member(s) of the service who discharged their firearm that they will be subject to alcohol testing.
5. Ensure involved member(s) of the service remain on the scene when feasible and consistent with safety (i.e., hospitalization not immediately required); pending arrival of FID personnel assigned to administer alcohol test.
6. Notify FID Wheel of location of involved member(s) of the service if they are removed from location of firearms discharge.

**FID WHEEL**

7. Notify assigned FID personnel and the Commanding Officer, FID of any pertinent information including any change of location of involved member(s) of the service.

**FID ZONE COMMANDER**

8. Respond to location and confer with duty captain/inspector on scene.
9. Advise the subject member that he or she may be tested by a number of different means, such as the Portable Breath Test (PBT) device and the Intoxilyzer.
10. Direct alcohol test be conducted, using a PBT device in a private setting, on uniformed member(s) of the service who discharged a firearm.
    a. Alcohol test will be conducted by FID supervisor at least one rank higher than that of the discharging member of service.
    b. Direct testing process be conducted in a private setting (e.g., nearest Department facility, Department auto being used by the supervisor concerned) in a dignified, respectful fashion.
11. If the reading on the PBT device is less than .08, and there is no indicia of intoxication, no further testing is required.

**FID ZONE COMMANDER (continued)**

12. If the reading on the PBT device is .08 or greater, which according to Section 1192 of the Vehicle and Traffic Law of the State of New York is indicative of intoxication, and/or there is any indicia of intoxication, immediately notify Highway Intoxicated Driver Testing Unit (IDTU) to respond to the closest IDTU testing location to test the subject member using the Intoxilyzer that is maintained at the IDTU facility (it should be emphasized that the Intoxilyzer test at the IDTU facility will be conducted by an IDTU technician).
    a. Member(s) involved will be transported to the IDTU testing facility by FID personnel.
    b. Inform IDTU technician that a member of the service is the subject of test.
    c. A Highway District supervisor must be present during all phases of the testing procedure.

***NOTE***

*The IDTU technician will utilize a specially developed form entitled **Ordered Breath Test Instruction Sheet** to interview the subject member(s), and a specially developed checklist entitled **Intoxilyzer Operational Checklist** to conduct the test. The entire Intoxilyzer testing process, including the reading of the test results, will be videotaped by another member of the Highway District. In all cases, a copy of the videotape will be provided to the FID Zone Commander concerned, who will follow all applicable Departmental procedures to safeguard the tape for evidentiary purposes.*

13. In order to determine fitness for duty, record and then take into account the Intoxilyzer reading, the PBT reading, and any other related indicia of intoxication as indicated on **SUPERVISOR'S FITNESS FOR DUTY REPORT (PD469-150)**.
    a. If the member is apparently unfit for duty, be guided by the procedures contained in *P.G. 206-12, "Removal of Firearms from Intoxicated Uniformed Member of the Service"* and other appropriate Department procedures.
14. Notify Internal Affairs Bureau Command Center and obtain a log number if subject member is determined to be unfit for duty.

***ADDITIONAL DATA***

*Members of the service are reminded of the contents of Patrol Guide 203-04, "Fitness For Duty" and Patrol Guide 204-08, "Firearms – General Regulations" as they relate to the use of alcohol and possession of firearms while off duty.*

*Members should be aware that it would be prudent not to ingest alcoholic beverages up to four hours prior to the commencement of their tour of duty.*

*Members of the service performing duty in an undercover capacity are reminded that it is best to avoid consuming alcoholic beverages while on duty. However, the Department recognizes that depending on the nature of the operation such consumption may be appropriate and necessary. Members are advised that no more than two alcoholic beverages may be consumed during a tour of duty, absent exigent circumstances related to the safety of the undercover or to the need not to compromise the undercover's assignment. Such circumstances will be evaluated on a case by case basis.*

***ADDITIONAL DATA (continued)***

*If an immediate determination cannot be made as to whether or not a discharged round caused injury or death because of circumstances such as weather conditions, darkness, late hour and/or an inability to account for all discharged rounds, Breathalyzer exams may be ordered when there is reasonable possibility that a person has been struck by a discharged police round.*

***RELATED PROCEDURES***

*Firearms Discharge by Uniformed Members of the Service (P.G. 221-04)*
*Removal of Firearms from Intoxicated Uniformed Member of the Service (P.G. 206-12)*

***FORMS AND REPORTS***

***SUPERVISOR'S FITNESS FOR DUTY REPORT (PD469-150)***

NYPD