



The Path to Promotion

Dear KSA Procedural Guide Customer:

Attached is the January 2013 update for your KSA Procedural Guide. This update covers all Interim Orders and Revision Notices through January 10, 2013. Replace each of the attached pages with the corresponding pages in your PG. Please note that the amended areas are shaded.

Fraternally,

Arty Storch

THE PROCEDURAL GUIDE FOR POLICE SUPERVISORS

Handbook for the Street, Desk and Office

Manual for Promotion

2013 Edition

Current to January 10, 2013
Interim Order 1 of 2013
Revision Notice 12-01

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- Confer with Facilities Management Division to implement recycling program.
 - * Contact quarterly report actions taken.
 - * Post info on what & where to recycle.
- Attend community meetings per C.O.'s instructions.

PRECINCT SCHOOL SAFETY SERGEANT

(PG 202-20)

- Assist precinct C.O. in developing and implementing the precinct school safety plan.
- Perform an operational tour of duty, ensuring that hours are consistent with school hours of operation, particularly dismissal times.
- Act as conduit to Department for and coordinate the evaluation and supervision of school safety agents.
 - * Respond to incidents where a school safety agent is a victim of an offense while performing duty.
- Liaison with principals, school staff, borough truancy task force and DVPO (*child abuse cases*).
- Keep SOL apprised of activities in and around school facilities.

- Coordinate efforts with the School Safety Division, Truancy Coordinator.

- * Identify locations at the beginning of the school year where truants will be delivered & identify at least ***1 person*** in each school who will accept responsibility for truants delivered. (*IO 47 s.12*)

FIELD INTELLIGENCE OFFICER

(PG 202-41)

This unique UMOS, who can be a Sergeant, Detective or Police Officer, works in & provides intelligence to local command (*Precinct*) but works for and under directions of Commanding Officer, Criminal Intelligence Section (*CIS*). The FIO shares intelligence with all Department units and supports the Borough Level Intelligence Strategy.

- Perform intelligence related duties in assigned command in business attire unless authorized by CO, CIS
- Enter intelligence into Department Intelligence Database or **COMPLAINT FOLLOW-UP** database.
- Exchange information with other FIOs & other commands regarding Parolees, Parole Absconders, subjects of **INVESTIGATION CARDS**, wanted persons & other matters of importance.
- Prepare weekly **INTELLIGENCE DIVISION ACTIVITY REPORT** & submit to CO, CIS.
- Address Roll Calls and participate in Detective & Patrol training sessions.
- Obtain intelligence by:
 - * Confering regularly with patrol officers, detectives, supervisors, specialized units (*including School Safety Division*) crime analysis officer and community.
 - * Reviewing reports, e.g., **COMPLAINT REPORTS, JUVENILE REPORT SYSTEM WORKSHEETS, OLBS ARREST WORKSHEETS, UNUSUAL OCCURRENCE REPORTS, SQ&F REPORT WORKSHEETS, SCHOOL SAFETY DIVISION INCIDENT REPORTS, DIRs**, patterns, statistics, trends, Intelligence Division reports, etc.
 - * Accessing CIS databases not available at command.
- Document intelligence forwarded to other units & record follow-up action.
- Assist in registering Confidential Informants and obtaining **SEARCH WARRANTS**
 - * Notify CO, CIS prior to execution of a **SEARCH WARRANT**, if possible.
 - * Utilize secure e-mail system for notification and inquiries to FIOs & Intelligence Division.
- Debriefings
 - * Conduct secondary debriefing of prisoners for intelligence
 - * Coordinate with Detective Bureau & OCCB personnel
 - * Develop command-specific questions re: crimes, patterns or trends.
 - * Maintain records, including details of positive debriefings
 - * Be present during debriefing of all arrests, particularly SNEU arrests, when possible
- Respond to major incidents in the field to provide assistance & gather intelligence.
 - * Identify self to ranking Patrol Commander & Investigator.
 - * Prepare **COMPLAINT FOLLOW-UP** & forward copy to CO, CIS.
- Notify CO, CIS re: all unusual incidents.

DUTIES OF POLICE OFFICERS

POLICE OFFICER (PG 202-21)

- Report to the desk officer when entering or leaving the command during tour of duty, indicating reason for presence.
- Report *immediately* to the patrol supervisor & platoon commander any unusual crime, occurrence, or condition.
- Report conditions not requiring immediate attention to the Command Clerk.
- Familiarize self with the everyday routine of people residing, doing business or frequenting post or sector.
- Signal the Command *each* hour if not equipped with a portable radio:
 - * All uniformed MOS will ring between *0200 and 0700 Hours* direct to the Desk Officer.
 - * When assigned to school or church crossing, signal *before and after* crossing. Respond to assignments when directed.
 - * DO NOT signal when assigned to a traffic post.
 - * UMOS assigned to the Transit Bureau will signal the command when:
 - ~ Arriving & leaving post
 - ~ Going on & off meal
 - ~ As indicated on roll call
- When dispatched to assignment by TS Operator, keep the TS Operator informed of Police services rendered.
- Report Police services rendered in another Precinct to Desk Officer of that Precinct.
- Submit **POLICE OFFICER'S MONTHLY CONDITIONS IMPACT MEASUREMENT REPORT** for review & signature on the *7th, 14th & 21st* day of every month
 - * Submit completed **REPORT** by *2nd* day of month for the previous month. *[IO 50 s.11]*
 - * Submit **REPORT** prior to leave, or if not possible, without delay upon return to duty, if scheduled for vacation or other leave.
- Call the Desk Officer if unable to return to the Command to sign the return **ROLL CALL** at the end of the tour.
- Preserve completed **ACTIVITY LOGS** and produce them as required.
- No travel time for meal.

ACTIVITY LOG INSERTS

There are now **9 inserts** that must be carried in the **ACTIVITY LOG**. **Patrol Supervisors must carry an additional insert.**

Terrorist D E T A I L S

- Terrorist** - Possible Indicators or Activity
- D** - Domestic Violence/Victims of Crime
- E** - Emotionally Disturbed Persons
- T** - **Truants (Understanding Enforcement Procedures and Best Practices) [IO 47 s.12]**
- A** - Auto Identification (*not "Auto Theft"*)
- I** - Informations - Criminal Court (Sample) [PG 209-09]
- L** - Language Identifier (*Primary*) [IO 9 s.11]
- S** - Street Encounters
 - * Legal Issues
 - * WHAT IS A STOP, QUESTION AND FRISK ENCOUNTER?

NOTE: MOS must also carry any "other insert, as required."
 * **SAMPLE CRIMINAL COURT SUMMONS INFORMATIONS** (PG 209-09).
 * **CHEMICAL TESTING STATEMENT** is required for Patrol Sergeants (IO 44 s.11).

AUTHORIZED REGULATION REVOLVERS IF OWNED PRIOR TO 7/1/87

- S & W Military and Police Model 10; - Dan Wesson Model II
- Colt Official Police; - Ruger Police Service Six
- Colt Mark III; - S&W or Colt 3" barrel

AUTHORIZED OFF-DUTY REVOLVERS IF OWNED PRIOR TO 7/1/87

- Rules apply also to MOS who were members of the Transit Police Department prior to April 2, 1995
- Carry any of the below revolvers with a barrel of at least 2", but not more than 4" in length.
 - * Smith and Wesson
 - * Colt
 - * Ruger

NOTE: All revolvers bought starting 7/1/87 have spurless hammers and are made of stainless steel.

AUTHORIZED HANDGUNS (AFTER 7/1/87)

- OFF-DUTY:** Revolvers: 2" or 4" barrel.
- ~ Ruger SPNY, or
 - ~ S & W Model 64 NY-1, or
 - ~ S & W Model 640
- (No lightweight metal frames; e.g., aluminum.)
 (No S & W Model 60 NY-1)

- OFF-DUTY:** Semi-Automatic.
- ~ Glock Model 26
 - ~ S & W Model 3953TSW
 - ~ S & W Model 3914DAO
 - ~ Beretta 8000D Mini Cougar
 - ~ Sig Sauer Model 239 DAO

NOTE: Authorization to carry the Kahr K-9 was revoked. [FINEST Message 030496 dated 12/5/11]

- ON-DUTY:** Revolvers: 3” or 4” barrel.
- ~ S & W, M & P Model 64 NY-1, or
 - ~ Ruger GPNY or
 - ~ Ruger Police Service Six
 - ~ Ruger Speed Six (3” only).

- Semi-Automatic.
- ~ Glock Model 19
 - ~ S & W Model 5946
 - ~ SIG Sauer Model 226

NOTE: Any authorized on-duty firearm is also authorized to be carried off-duty.

.38 REVOLVERS

- GRIP: ~ Checkered hardwood or authorized rubber.
- METAL: ~ No lightweight metal frames. (No aluminum; stainless steel is OK)
- HAMMER: ~ Spurless hammer; double action

SPECIAL WEAPONS

- AG 305-5 authorizes use of special weapons for undercover officers after their Commanding Officers receive approval from the Firearms and Tactics Section.

NOTE: An off duty weapon may be carried in addition to the service weapon, provided only the service weapon is visible.

NOTE: C.O. has authority to allow members of command to be armed with authorized off duty weapon if it is more suitable for assignment.

NOTE: UMOS below the rank of captain who are assigned to enforcement duties must carry a sufficient amount of SUMMONSES. (IO 23 s.11)

APPEAL OF EVALUATION – UNIFORMED & CIVILIAN MOS (PG 205-58 & 59)

WHEN A MOS IN A PERMANENT RANK WANTS TO APPEAL A **PERFORMANCE EVALUATION**:

- | | | |
|---------------------------|---|--|
| RATER | - | Inform the Commanding Officer. |
| COMMANDING OFFICER | - | Act as initial hearing officer. |
| | * | Schedule interview with Rater, Ratee & Reviewer within 30 days of appeal. |
| | - | Attempt to resolve the appeal. |

NOTE: If the CO is also the rater, the **CO of the next higher command** will serve as the hearing officer.

If the ratee performs below desirable standard, the CO must be the Reviewer.

If an appeal is **NOT** resolved by the Commanding Officer, the Ratee will submit a **TYPED LETTERHEAD**, as follows:

- * UMOS below Captain to Personnel Officer concerned (*e.g. Borough*)
- * Captains & above to the **Personnel Officer, Deputy Commissioner, Personnel (10 41 s.12)**
- * Civilians to Bureau/Borough Personnel Officer for a Review Board determination.
 - ~ The Review Board determination can be appealed in writing to the Police Commissioner for final determination.

NOTE: Uniformed & Civilian MOS on probation **CANNOT** appeal their **EVALUATIONS**.

- * Provisional Civilian MOS who have served less than **2 years** in provisional status **CANNOT** appeal.

MOS in permanent rank can only appeal for following reasons:

- * Factual error
- * Rater's misinterpretation of instructions
- * Bias or prejudice
- * **EVALUATION** was based upon other than performance factors

All MOS may review comments and recommendations of reviewer but may **NOT** appeal the **EVALUATION** because of them.

FIREARMS PROFICIENCY REQUIREMENT

(I.O. 26 s.01)

WHEN A UMOS HAS BEEN DEEMED FIT FOR FULL DUTY BY THE MEDICAL DIVISION AFTER CLAIMING TO BE MEDICALLY AND/OR PSYCHOLOGICALLY UNABLE TO USE FIREARMS:

- MOS reports to the Range for firearms qualification
- If MOS fails to qualify:
 - * Report to medical specialist designated by Medical Division for examination.
 - * Complete **NOTICE OF FAILURE TO QUALIFY WITH FIREARMS.**

NOTE: UMOS failing to qualify within ***90 days*** of signing **NOTICE**, will:

- * Receive **CHARGES AND SPECIFICATIONS**
- * Face an administrative hearing per the NYS Civil Service Law, “Removal and Other Disciplinary Action”
 - ~ If found to be incompetent, UMOS will be removed from the Department.

REMOVAL AND RESTORATION OF FIREARMS

(PG 206-17)

WHEN A MOS IS SUSPENDED OR PLACED ON MODIFIED ASSIGNMENT, OR WHEN COMPETENT AUTHORITY BELIEVES THAT MOS IS UNABLE TO SAFEGUARD GUN:

COMPETENT AUTHORITY (SERGEANT OR ABOVE; POLICE SURGEON):

- Request Communications Section to send a Ranking Officer to the scene, if necessary.
- Direct MOS concerned to surrender all pistols; revolvers, ID card and Shield.

RANKING OFFICER:

- Obtain pistols, revolvers, shield and ID card.
- Deliver property to Precinct where order to surrender was given.
- Direct MOS on restricted duty to report to EMD - **Shield and Identification Card Unit** for new ID card.
- Question MOS to determine if he possesses additional pistol or revolver.

DESK OFFICER, PRECINCT OF SURRENDER:

- Notify MOS's permanent Command and request a check of **FORCE RECORD** to determine if all weapons listed have been surrendered.
- Immediately notify Precinct where any weapons are located to pick up weapons and deliver them to MOS's command or command of investigation.
- Notify Medical Division - Sick Desk and obtain a Firearms Removal Serial Number.
- Have **PROPERTY CLERK'S INVOICE** prepared for firearms, stating "PROPERTY OF SUSPENDED/MODIFIED ASSIGNMENT MEMBER-NOT TO BE RETURNED UNLESS APPROVED COPY OF **REMOVAL/RESTORATION OF FIREARMS REPORT** IS PRESENTED."
- Send firearms and voucher to Property Clerk.
- Forward ID card and Shield with one copy of **REMOVAL/RESTORATION OF FIREARMS REPORT** by messenger to EMD - **Shield and Identification Card Unit** by next business day (*Rev 08-03*) and obtain receipt for file in command.

TO RESTORE FIREARMS TO MOS WHEN NO MORE REASON FOR REMOVAL

MOS CONCERNED:

- Obtain 3 copies of **REMOVAL/RESTORATION OF FIREARMS REPORT** from D.O.
- Sign request statement in Part B and submit to Commanding Officer.

COMMANDING OFFICER:

- Indicate APPROVAL or DISAPPROVAL on Part B.
- If DISAPPROVED, state reason in Part B.
- Send to Medical Division, which endorses to First Deputy Commissioner.
- Upon receipt from First Deputy, return to MOS copies of **REMOVAL/RESTORATION OF FIREARMS REPORT**, indicating action taken.
 - * **1 copy** if disapproved
 - * **2 copies** if approved

MOS:

- Present approved copy of **REMOVAL/RESTORATION OF FIREARMS REPORT** to EMD - **Shield and Identification Card Unit** for Shield and I.D. Card and one copy to Property Clerk Borough Office for firearms. (*Show Shield and I.D.*)

NOTE: If firearms are removed in a non-disciplinary matter, the MOS will NOT be placed on modified assignment. Comply with PG 205-47, "Temporary Removal of Firearms in Non-Disciplinary Cases." This Order (*synopsized in back of PG 205*) covers the removal of firearms for the following situations:

- * Determine psychological fitness for duty
- * Voluntary surrender for safekeeping due to temporary personal problem.

ORDERS OF PROTECTION SERVED ON MOS (IO 52 S.12)

WHEN A UMOS IS THE SUBJECT OF ANY ORDER OF PROTECTION:

- | | |
|---|--|
| UMOS | <ul style="list-style-type: none"> - Notify Commanding Officer. <ul style="list-style-type: none"> * If command is not open, notify: <ul style="list-style-type: none"> ~ IAB (<i>obtain log number</i>) ~ Operations Unit |
| COMMANDING OFFICER/
DUTY CAPTAIN | <ul style="list-style-type: none"> - Notify: <ul style="list-style-type: none"> * IAB (<i>obtain log number</i>) * Bureau/Borough Investigations Unit to respond & assist - Conduct investigation to determine if there is a basis for firearms removal. <ul style="list-style-type: none"> * Place on Modified Assignment if Order of Protection (<i>OOP</i>) prohibits firearms possession at all times or if otherwise appropriate. * If OOP prohibits firearms possession off-duty only and UMOS is not placed on Modified Assignment, member will be required to safeguard firearms at command while off-duty. - Prepare report on Typed Letterhead to Chief of Internal Affairs, including: <ul style="list-style-type: none"> * Details of investigation * Decision re: duty status * Specifics of OOP - Forward additional copies of report to: <ul style="list-style-type: none"> * First Deputy Commissioner * Deputy Commissioner, Personnel * CO, Performance Analysis Section * CO, Investigations Unit concerned * CO of member, if applicable |

ORDER OF PROTECTION PROHIBITS FIREARMS POSSESSION AT ALL TIMES

- | | |
|---|---|
| COMMANDING OFFICER/
DUTY CAPTAIN | <ul style="list-style-type: none"> - Notify: <ul style="list-style-type: none"> * IAB (<i>obtain log number</i>) * Bureau/Borough Investigations Unit to respond & assist * CO, Performance Analysis Section, if the Final OOP will continue for more than 6 months - Place UMOS on Modified Assignment if member is full-duty. - Prepare report on Typed Letterhead to Chief of Deputy Commissioner, Personnel, including: <ul style="list-style-type: none"> * Details of investigation * Specifics of OOP - Forward additional copies of report to above list (<i>except DC, Personnel</i>) and to: <ul style="list-style-type: none"> * Deputy Commissioner, Department Advocate * Deputy Commissioner, Legal Matters * Chief of Internal Affairs - Direct UMOS to report to EMD, Performance Analysis Section, if Final OOP will continue for more than 6 months |
|---|---|

NOTE: UMOS who are recipients of Final OOPs prohibiting firearms possession at all times (*on & off-duty*) will be given the opportunity to apply to the issuing court for a modification of the Order to allow the member to possess firearms while on-duty.

- * If UMOS is unable to have Final OOP modified or declines to seek a modification within 6 months from date of issuance

NOTE: When a civilian MOS is the subject of an OOP, the MOS must notify his/her CO, who will notify IAB & obtain a log number.

- * CO will conduct an investigation to determine if the MOS should continue to perform duty.
 - ~ CO prepares a report to Chief of Internal Affairs & forwards copies to:
 - CO, EMD
 - Investigations Unit concerned

NOTE: When a MOS is the petitioner/complainant of an OOP, MOS must notify Commanding Officer.

ORDERS OF PROTECTION PROHIBITING OFF-DUTY FIREARMS POSSESSION BY UMOS

(IO 53 s.12)

WHEN A UMOS IS SERVED WITH AN ORDER OF PROTECTION PROHIBITING OFF-DUTY FIREARMS POSSESSION ONLY, AND THE MEMBER IS TO BE CONTINUED ON FULL-DUTY STATUS:

- | | |
|--|---|
| COMMANDING OFFICER/
DUTY CAPTAIN | <ul style="list-style-type: none"> - Request UMOS to complete <u>ACKNOWLEDGEMENT OF RESPONSIBILITIES CONCERNING COURT ORDER LIMITING FIREARMS POSSESSION</u>. <ul style="list-style-type: none"> * Place member on Modified Assignment if fails or refuses to complete form. - Ensure all firearms (<i>including handguns, rifles & shotguns</i>) owned or possessed are accounted for. <ul style="list-style-type: none"> * Question member re: firearms * Notify Desk Officer/supervisor, member's permanent command, to check records. - Designate a location at member's command where service weapon, authorized off-duty weapon, "<i>FULL DUTY</i>" <u>IDENTIFICATION CARD</u> & shield are to be safeguarded while member is off-duty. |
| DESK OFFICER/
SUPERVISOR
MEMBER'S
PERMANENT
COMMAND | <ul style="list-style-type: none"> - Assist CO in determining member's firearms have been surrendered. <ul style="list-style-type: none"> * Check member's <u>FORCE REC ORD</u> * Request Police Academy, Firearms and Tactics Section to check records. * Arrange to obtain additional firearms as necessary. - Have firearms, other than service weapon and authorized off-duty weapon vouchered for safekeeping and ensure that: <ul style="list-style-type: none"> * "<i>Remarks</i>" section of <u>INVOICE</u> includes statement, "<i>Property of a uniformed members of the service – not to be returned without written authorization of Commanding Officer, Performance Analysis Section.</i>" * Member receives copy of <u>INVOICE</u>. |
| UMOS | <ul style="list-style-type: none"> - Report to EMD, Performance Analysis Section with: <ul style="list-style-type: none"> * "<i>FULL DUTY</i>" <u>IDENTIFICATION CARD</u> * Original copy of <u>ACKNOWLEDGEMENT OF RESPONSIBILITIES CONCERNING COURT ORDER LIMITING FIREARMS POSSESSION</u> * Copy of Captain's report * Copy of <u>INVOICE</u> - Shield Unit and Identification Card Unit to obtain a "<i>NO FIREARMS</i>" <u>ID CARD</u>. |

SAFEGUARDING DESIGNATED ITEMS

- UMOS**
- Deliver service weapon, authorized off-duty weapon, "*FULL DUTY*" **ID CARD** and shield to Desk Officer/Supervisor prior to signing out each tour.
 - * Obtain "*NO FIREARMS*" **ID CARD**.
 - When reporting for duty, obtain authorized weapons & exchange "*NO FIREARMS*" for "*FULL DUTY*" **ID CARD**.
- DESK OFFICER/
SUPERVISOR**
- Make a **COMMAND LOG** entry when safeguarding or returning authorized weapons and **ID CARDS**.

WHEN ORDER OF PROTECTION IS EXPIRED OR VACATED

- UMOS**
- Notify Commanding Officer.
- COMMANDING OFFICER**
- Verify that OOP is expired or vacated & that no active OOPs exist against member.
 - * Contact Court of issuance.
 - * Telephone Central Records Division, Identification Section.
 - * Conduct OOP inquiry via FINEST System.
 - Prepare report on **TYPED LETTERHEAD** to CO, Performance Analysis Section.
 - Instruct member:
 - * Not to carry any firearms while off-duty until authorization is received from CO, Performance Analysis Section
 - * To report to EMD, Performance Analysis Section
- UMOS**
- Report to Performance Analysis Section with:
 - * "*NO FIREARMS*" & "*FULL DUTY*" **ID CARDS**
 - * Copy of expired OOP
 - * Copy of Captain's report
 - Report, when directed to Property Clerk's Office with:
 - * "*FULL DUTY*" **ID CARD**
 - * Copy of **INVOICE**
 - * Original report from CO, Performance Analysis Section, authorizing return of firearms

NOTE: When a member is ordered to report to the Performance Analysis Section, that member will report immediately or between **0900 – 1800 hours** on the next business day the member is scheduled to report.

NOTE: Commanding Officers will ensure that Personnel Bureau Investigations Unit members have access to Department property safeguarded & **COMMAND LOG** entries.

NOTE: Failure to comply with court order may result in criminal charges, court sanctions and Department charges, which may lead to termination.

- * Failure to complete **ACKNOWLEDGEMENT OF RESPONSIBILITIES CONCERNING COURT ORDER LIMITING FIREARMS POSSESSION** form will result in member being placed on Modified Assignment & subject member to disciplinary action.

DISCIPLINE
(PG 206)

COMPARISON OF DUTIES

<u>SUBJECT</u>	<u>MOS</u>	<u>SUPERVISOR</u>	<u>DESK OFFICER</u>	<u>CAPTAIN</u>
LOST/STOLEN GUN, SHIELD, ID <i>(PG 219-21)</i>	-Notify D.O. -Prepare Part "A" of Report -Report loss to CO -Report to EMD for new shield or ID		-Cmd. Log Entry -Notify: IAB C.O. OPS -Prepare Part "B" -Have UF61 prepared	-Investigate -Prepare Part "C". -C.O. of MOS prepares Part "D" and determines if Command Discipline, formal C&S, or no discipline should be taken. -If firearm, confer with DAO -Prepare Supervisor's Complaint Report if warranted.
INTOX MOS <i>(PG 206-12)</i>		-Notify C.O. -Contact Counseling if MOS desires -Prepare Supervisor's Fitness For Duty Report		-Investigate -Make decision on common-sense standard. -Prepare Report to 1 st Deputy Commissioner -Prepare Supervisor's Fitness For Duty Report
POLICE INCIDENT: Probationary P.O. Police Eligible Civilian Employee <i>(PG 212-34)</i>	-Notify C.O.			-Investigate. -Have report prepared.
ARREST OF MOS <i>(PG 206-11)</i>	-Notify D.O. -Notify Ops and CO if outside NYC		-Notify CO/Duty Captain IAB OPS -Telephone Record	-Investigate. -Submit report to Chief of Department.
SUSPECT DRUG USE <i>(PG 205-30)</i>	-Notify C.O. or IAB			-Notify IAB -Investigate. -Prepare Investigating Officer's Report
FAMILY OFFENSES INVOLVING MOS <i>(PG 208-37)</i>	-Request Patrol Supervisor	-Notify D.O. -Direct DIR -Advise re: counseling -Notify CO/DC if MOS is victim -Direct 61 if MOS is perp	-Notify IAB & CO/Duty Captain -Have report prepared	-Investigate. -Inquiry to IAB re: MOS's background and confer re: status -Maintain confidential file

ARRESTS
(PG 208-1)

WITH A WARRANT:

I. IF A WARRANT IS ADDRESSED TO A MOS OR THE N.Y.P.D.:

- A.** MOS may make an arrest anytime and anywhere in NYS, if
 ~ The warrant is issued by:
 ...NYC Criminal Court or
 ...District Court or
 ...Superior Court Judge sitting on a lower criminal court.
- B.** MOS may make an arrest at anytime within the county of the court of issuance, or an adjoining county, if
 ~ The warrant is issued by;
 ...City Court, or
 ...Town court, or
 ...Village Court

- II.** A New York City Police Officer could execute a warrant delegated to him/her by the Police Officer to whom the warrant is addressed, if the defendant is in a county other than one in which the warrant is returnable, or if the above conditions apply.

WITHOUT A WARRANT:

- * **FOR AN OFFENSE:**
 ~ When reasonable cause to believe an offense was committed in the Officer's presence.
- * **FOR A CRIME (FELONY/MISDEMEANOR):**
 ~ When reasonable cause to believe a crime was committed in the Officer's presence or not.
- * **WHEN REASONABLE CAUSE TO BELIEVE THAT A PETTY OFFENSE (VIOLATION OR TRAFFIC INFRACTION) HAS BEEN COMMITTED:**
 ~ In the Officer's presence, and
 ~ In the Officer's geographical area of employment, and
 ~ The arrest is made in the county of occurrence or an adjoining county.
- * **CLOSE PURSUIT:**
 ~ For a Crime: May pursue outside the state to make an arrest.
 ~ For a Petty Offense: May pursue to any part of state to make an arrest or issue a **SUMMONS** - if authorized to summons/arrest in his own geographical area of employment; e.g., Harassment violation not committed in presence - cannot arrest/summons - cannot pursue.

ARRESTS - GENERAL

(PG 208-2, 3, 5 & 6)

IRRANTIONAL/VIOLENT PRISONERS

- When a person who is about to be arrested is:
 - * Acting irrationally or violently, and
 - * Poses no immediate physical threat to themselves or others in the area, and
 - * The incident occurs in a confined area (*e.g., detention cell, vehicle, etc.*)

- Follow EDP Procedures in PG 216-5, in particular:
 - * Preserve life and prevent injury.
 - * Isolate and contain the subject.
 - * Request the response of the Patrol Supervisor.
 - * Obtain the assistance of the Emergency Services Unit.
 - * Remove to a hospital for observation.
 - ~ If ambulance not available, request supervisor who decides to wait for ambulance or remove by RMP.

- When subject poses no threat and is in a vehicle:
 - * Block the vehicle in with one or more RMPs

NOTE: THE ABOVE RULE DOES NOT APPLY TO SUBJECTS WHO ARE BELIEVED TO BE ARMED!!

- **Never** bring EDPs, people that act like them (*drug psychosis*) or people who ingest drugs to a police facility.
 - * If perp ingests drugs, bring to nearest hospital and notify dispatcher & Patrol Supervisor.
 - ~ Also notify EMS & hospital personnel re: quantity & type of substance, if known.

- Arresting/Escorting Officers must notify Attendants/Corrections if prisoner resisted, was threatening, attempted suicide or escape. Record notification in **ACTIVITY LOG** and on **PRISONER MOVEMENT SLIP**, Detention Alert Section (*PG 208-6*).

- If MOS becomes aware of need to separate **2** or more defendants due to threats or potential for 1 to assault other, make notation on bottom of both defendants' Prisoner Movement Slips" in "Detention Alert" section
 - * If confidential or sensitive (*e.g., one prisoner testified against the other*), enter name and phone number of arresting officer/investigator instead.
 - * Arresting/Escorting Officer must notify Borough Court Section Supervisor to insure that the same information appears on court generated movement slip.

HANDCUFFS

- Handcuff behind back. (*PG 210-1 states that MOS must physically hold prisoner or hold by chain linking cuffs*).
- Do not tie rear-cuffed hands to shackled ankles (*No hog tying PG 203-11*)
- An MOS may request permission from immediate supervisor not to use handcuffs if:

CODE:  **S L A T E**

- SL** - Prisoner Surrendered at a Law enforcement facility, and
- A** - Prisoner is accompanied by an Attorney.
- T** - Threat to safety is low.
- E** - Escape potential is minimal.

NOTE: Supervisor and MOS will consider the threat posed and possibility of escape. In all cases, MOS will search prisoner.

LEG RESTRAINTS

- Must be used when transporting a prisoner who:
 - * Refused to be fingerprinted
 - * Transported to a hospital for Medical Treatment

NOTE: Desk Officer must document reason for not using Leg Restraints in above circumstances. Handcuffs must be used in addition to Leg Restraints.

TRANSPORTING PRISONERS

- RMPS with fiberglass partitions
 - * Place prisoner in rear seat, rear double-locked handcuffed, and secured with a seat belt.
 - * Operator and recorder will ride in the front seat.
 - * Recorder will visually monitor the prisoner during transport.
 - * The rear compartment of the RMP will be examined before and after transport.
 - * All personal property of MOS will be removed prior to placing prisoner in RMP.
 - * One M.O.S. stands on opposite side by open rear door while other M.O.S. puts seat belt on prisoner.
- RMPS without partitions
 - * Recorder rides in rear seat, directly behind the operator, with prisoner seated on passenger side.

NOTE:

- * Use an RMP with safety partition whenever available.
- * Engage child safety locks on rear doors, if RMP (*marked or unmarked*) has them. Disengage safety locks when transporting MOS.
- * In 12-Passenger Van, secure prisoner(s) on second bench with seatbelts. Recorder rides on 1st bench seat. Normally, no more than **3 prisoners** at 1 time. If necessary to transport more than **3 prisoners** (e.g., court), utilize leg restraints, if available. Absolutely, no more than **7 prisoners** who must be placed in 2nd & 3rd bench seats. (*I.O. 8 s.04*)

- Request Borough Court Section to provide transportation ONLY when:
 - * Large numbers of prisoners must be transported
 - * Unusual need for a patrolwagon
 - * Prisoner released from hospital to police custody (*PG 210-4*).
 - ~ If arrest is by other police agency, that agency will provide transportation (*PG 210-3*).

GENERAL

- Inform prisoner of authority and cause unless impractical, e.g., fight or flight.
- Advise of rights before questioning.
 - * If prisoner has a disability that may affect mobility, speech, hearing or mental ability, a reasonable attempt shall be made to notify a relative or a friend. Document attempts.
- Safeguard non-evidence vehicles.
- Prisoners who require toilet will utilize an unoccupied detention cell, if available. Escort by UMOS of same sex.
- Upon entering processing facility, secure firearms in Department locker and retrieve prior to leaving. (*I.O. 8 s.04*)

TELEPHONE CALLS

- Advise prisoner of right to **3 telephone calls**.
 - * Prisoners other than Juvenile Offenders may make **1 call** to anywhere in US or Puerto Rico.
 - ~ Call not allowed if it would compromise an on-going investigation or prosecution.
 - * If prisoner is incapacitated by drugs or alcohol or unable due to speech or hearing impairment, MOS calls.
 - ~ In impairment cases, may request or use auxiliary aids, e.g., sign language interpreters or Telecommunication Relay Service (*TRS*).
 - ~ If prisoner wants to call someone with impairment, dial **"711"** for TRS operator.
 - * Prisoner may converse on telephone unless ends of justice may be defeated or dangerous condition is created.
 - * **3rd Call** recorded in **COMMAND LOG**. & Long Distance Call in **TELEPHONE RECORD**.
 - * If prisoner is admitted to hospital, need permission of Patrol Supervisor or Desk Officer for prisoner's calls.

NOTIFICATIONS

- Relatives/friends of prisoner who is:
 - *Under **19** *Admitted to a hospital or *Emotionally disturbed.
- M.P.S. and P.D.S. if unable notify friends/relatives or notification is made after preparation of **MUPR**.
- Precinct Detective Squad
 - * Request assistance if prisoner was arrested for any serious or unusual crime, including Homicide, serious Assault, Robbery, Burglary or Grand Larceny.
 - * PDS/BRAM to enhance arrests of youths charged with violent felonies. The detectives will also:
 - ~ Attempt to identify, locate, and apprehend accomplices in youth violence or gun cases.
 - ~ Attempt to match suspect and accomplices to other outstanding crimes.
 - ~ Attempt to identify and apprehend persons selling guns to minors.
- C.O./Duty Captain to respond to Station House to verify validity of Off-Duty arrest.
 - * Other agency of off-duty arrest by Member of that agency.
- Borough Court Section when prisoner is moved to a new location, change of custody, or admitted to hospital.

- ADA of all verbal & written statements made by defendant & all procedures used to assist in identification.
- Real Time Crime Center Juvenile Desk for arrest of Juvenile.
- OCCB Field Operation Desk if:
 - * Debriefing of defendant would be beneficial (*e.g., info re: drug or gun dealer*)
 - * Follow-up investigation by OCCB personnel is necessary (*e.g., location where drugs sold or chop shop*)
 - * Expertise of OCCB is needed to enhance prosecution (*e.g., gambling records or confidential VIN*)
 - * Summons for OCCB offense
 - * Specified condition exists/is suspected, whether or not arrest is effected (*e.g., numerous radio runs generated by 311 calls alleging an unlicensed social club*)
 - * Arrests for following charges
 - ~ Controlled Substances
 - Sale or Possession 1, 2 or 3rd degrees
 - In or near school grounds
 - ~ Marijuana – Sale or Possession 1 or 2nd degrees (*PG 208-73*)
- M.O.S. is required to ask prisoner if there are uncared for dependent adults/children at prisoner's residence.
 - * Human Resources Administration, Protective Services for Adults, if an adult dependent is left alone in a residence and relative or friend cannot care for the adult.
 - * ACS if child is left alone in residence and relative or friend cannot care for child. (*PG 215-1*)
- Health and Hospitals Corporation Police or Hospital Security Personnel (*if no HHC Police*), whenever prisoner:
 - * Is brought to hospital for medical treatment
 - * Escapes from custody in hospital

SPECTATORS

- Spectators may observe a stop or arrest in a public place.
- Onlookers may not be arrested for:
 - * Speech alone, even though crude and vulgar.
 - * Requesting and making notes of shield numbers or names.
 - * Taking photographs, video or tape recordings.
 - * Remaining in the vicinity of the stop or arrest.
- Onlookers may be taken into custody if they obstruct government administration.
- Report the arrest of an onlooker to a supervisor.
- Officers may establish Police lines; e.g., crowd control, and to protect safety.

DESK OFFICER MAKES THE FOLLOWING ENTRIES:

COMMAND LOG

- Arresting and Assisting Officers, and times of arrival in stationhouse and departure to Borough Court Section.
 - * Also enter in INTERRUPTED PATROL LOG and on ROLL CALL.
- Prisoner's physical and mental condition.
- Whether uncared for dependent adults/children at prisoner's residence
- Person notified when prisoner is:
 - * Under **19**
 - * Unsound mind;
 - * Hospitalized.
- If prisoner was released to Highway District for tests.
- Change in custody of prisoner. Notify Borough Court Section.
- Serial numbers of any forms prepared.
- If strip searched; include basis for authorization, authorizing Supervisor, MOS, prisoner and results.
 - * Also enter on O.L.B.S.; PRISONER TRANSPORT DISPATCH; PRISONER MOVEMENT SLIP; ACTIVITY LOG, and inform BCS Supervisor.
 - * Authorizing Supervisor ensures COMMAND LOG page # in "Narrative" of OLBS or SUPPLEMENT
- Use of interpreter when prisoner does not understand English (*Call Operations for interpreter*).
- Telephone # and name of 3rd **Person** called by prisoner. (*Enter in Log if prisoner refuses to make calls*).
- Interview of prisoner by attorney in other than Precinct of arrest.
- Amount of Funds.
 - * Money in excess of **\$100** must be invoiced for safekeeping if no **DAT**.
- All prisoners will be asked if they have personal property that they want safeguarded. COMMAND LOG entry indicates that prisoner refused or the Property Clerk Invoice Number for property safeguarded.
- ID of assigned Officer in turnover arrests (*PG 208-20*).
- Notification to OCCB FOD for cases requiring a debriefing, expertise or enhancement. (*Rev 09-05*)

COMPLAINT REPORT

- Name of Operator notified to cancel/transmit alarm (*also enter on voucher and Index*).
- * Attach hard copy of FINEST screen containing notification
- Name, address, phone number of witnesses.

TELEPHONE RECORD

- Borough Central Booking/Court Section Supervisor notified, if prisoner is hospitalized.

OLBS

- Chemical test results in intox/impaired driving arrests.
- Reasons for conclusion that person arrested for selling drugs or possessing with intent to sell is a seller.
- "Strip Search", authorizing supervisor & **COMMAND LOG** page number in the "Narrative" section.
- Graffiti tag and/or gang related nickname.
- Arresting Officer should inform prisoner that knowingly misrepresenting name, DOB or address is a crime (*False Personation, B Misd.*).
- Ascertain if prisoner has a disability that may affect mobility, speech, hearing or mental ability.
 - * If so, attempt to notify family member or friend who can assist.
 - * Document all attempts to make notification.
- Interview of prisoner by attorney - **ARREST REPORT SUPPLEMENT**.

DELIVER THE FOLLOWING FORMS TO THE DESK OFFICER:

- **MISSING/UNIDENTIFIED PERSON REPORT**...If notification not made, for under **19**, unsound mind, or hospitalized. (*Notify MPS/PDS if notification is made after report is prepared.*)
- **OLBS WORKSHEET**
- **COMPLAINT REPORT WORKSHEET**...NO UF 61 if pick up arrest for:
 - * **HAPPY** Summonses
 - ~ Health Code; Administrative Code; or Park Regs
 - * **DAT** offenses
 - ~ Disorderly Conduct (*violation*);
 - ~ Appearance in public under influence of drugs (*violation*)
 - ~ Theft of Services
 - * **Trespassers**
 - ~ Trespass Violation (*unlawfully in or upon premises*)
 - ~ Criminal Trespass 3 (*unlawfully in building or real property fenced or enclosed to exclude intruder*)
 - * **Prostitution** offenses
 - ~ Prostitution
 - ~ Loitering for the Purpose of:
 - ...Prostitution
 - ...Patronizing a Prostitute
 - ...Promoting Prostitution
 - * **Loitering**, other than gambling.
- **VOUCHERS** (*if appropriate, separate vouchers for items to lab.*)
 - * Include statement that property (*other than vehicle*) is valuable, contains identifying marks & that SPIS was notified, including name & rank/title of person notified.
 - * Provide complaint with Invoice #, prisoner's name, charges, arresting officer's name, precinct of occurrence & location of court.
- **REQUEST FOR LABORATORY EXAMINATION**
- **DAT INVESTIGATION** (*if appropriate*)
- **JUVENILE ARREST INVESTIGATION/PROBATION INTAKE REPORT** (*if appropriate*)
- **FINGERPRINT FORMS** if Livescan is down and decision made to use ink prints per *PG 208-12*.
- **PRISONER PEDIGREE CARD** – Used as basis for **COMMAND LOG** entry and filed chronologically.

NOTE: Enter Preferred Name, if any on:

- * **PRISONER PEDIGREE CARD** in “Preferred Name” section (10 43 s.12).
- * **OLBS ARREST WORKSHEET** in “Nickname/Alias/Maiden Name” box, prefaced by “P”.
- * **PRISONER MOVEMENT SLIP** next to defendant’s name, prefaced by “Preferred Name.”

Regardless of whether name on prisoner’s identification coincides with prisoner’s gender identity, refer to the prisoner by the preferred name, if requested, and use pronouns consistent with that name.

- **MEDICAL TREATMENT OF PRISONER FORM** if prisoner has

CODE: ☞ **C R A M P**

- C** - Claims illness or injury but refuses treatment
- R** - Receives medical or psychiatric treatment
- A** - Apparently needs treatment (*includes Communicable Disease*)
- M** - Medication is Prescribed and may be required (*legally prescribed prescription drugs, e.g., methadone*)
- P** - Previously treated prior Injury

- * If prisoner is issued a **DAT**:
 - ~ File Buff copy of Medical Treatment form in folder kept at the desk of arrest facility.
 - ~ Other copies are forwarded to Borough Court Section in **DAT ARREST PACKAGE**

- **ARREST DOCUMENTATION CHECKLIST** with:

- * Photocopies/snap-out copies of all forms/documents prepared
- * Photographs of evidence motor vehicles returned to owner (*PG 218-18*)

NOTE: The following entries must be made regarding a prisoner in the “Detention Alert Section” of the

PRISONER MOVEMENT SLIP: ☞ **S A V E R S**

- * **S**trip Searched
- * **A**ttempts Suicide, **V**iolent, is **E**motionally disturbed or **R**esists arrest
- * Must be **S**eparated from another prisoner

- File **COMPLAINT REPORT**, **OLBS**, and **INVOICES** in Arrest Folder and deliver to Court at each appearance.

IDENTIFICATION - Verify by documentary proof.

FUNDS - Count prisoner's funds and enter in **COMMAND LOG**. Return funds unless prisoner is intoxicated/unconscious.

FOA CASES - Refer to Precinct Detective Squad (*e.g., Parole Violation*)

TRANSPORT - Request Borough Court Section only if large number of prisoners to be transported, unusual circumstances require need for patrolwagon.

FINEST CHECKS - **WARRANT NAME**

- * Conduct Warrant Name Check through **FINEST** (*ADW & MSWS name checks*) prior to release on a **DAT**, and in all Misdemeanor and violation arrests.
- * Attach copy of FINEST to arrest papers.
- * If FINEST is inoperative, check with Borough, then adjoining Precinct. If FINEST is down for **more than 20 minutes**, check through Central Warrant Unit.
- * ADW identifies Robbery recidivists, armed career criminals, and firearms violators.

LICENSE

- * Use D.A.L.L. format for all defendants arrested for:
 - ~ Driving a stolen vehicle
 - ~ Driving an auto with an altered VIN
 - ~ Possession of stolen plates

NOTE: Comply with Cases for Legal Action Program (PG 214-7) if NYC Public Housing Resident is arrested:

- * Pursuant to Search Warrant where contraband is recovered.
- * For designated crime committed on the grounds of any NYC Public Housing Development.

PRISONER SEARCH PROCEDURES

Immediately conduct field search/frisk. Also search vicinity of arrest.

FRONT OF DESK OFFICER:

- Remove outer clothing, empty pockets, and grab clothing not removed to feel for objects. (*Females searched in privacy by female police officer or attendant.*)


NOTE: If the prisoner's gender is not immediately apparent or the prisoner objects to the gender of the member assigned to perform the search, the supervisor will assign a UMOS of the gender requested by the prisoner, consistent with officer safety & resource availability.

- * Under no circumstances will MOS conduct searches for purpose of determining gender.
- * Do not ask questions about an arrestee's anatomy without a reasonable basis for doing so.

If gender of officer differs from gender requested by prisoner, the authorizing supervisor makes a **COMMAND LOG** entry regarding factors considered in assignment & identities of UMOS who conducts search. (IO 31 s.12)

STRIP/BODY CAVITY SEARCH

If reasonably suspect that weapons, contraband, or evidence may be concealed upon the person or in the clothing in such a manner that they may not be discovered by previous search methods. Consider the following:

- **CODE:**  **R A D A R**
 - R** - Reading on Metal Detector
 - A** - Act of Violence (*Nature of Crime*)
 - D** - Discovery from Prior Searches
 - A** - Arrest Circumstances
 - R** - Reputation of Suspect
- The Immediate Supervisor/Borough Court Section Supervisor decides if Strip Search is appropriate, and is responsible that the search is done properly.
 - * If the Desk Officer disagrees with the Arresting Officer's Supervisor from an outside command, the Desk will notify the Precinct/TD/PSA Commander/Duty Captain., who will make the final determination.
- Except for hair, the body should not be touched.
- If during a Strip Search, an object is visually detected inside a suspect's body cavity, notify the desk officer immediately.
 - * Obtain a Search Warrant
 - * Seek assistance of medical professional to remove object
 - ~ Body Cavity Search will **NOT** be conducted by MOS
- **DAT:** No rule against Strip Search. Therefore, it is permitted.
- However, if arrest is to be voided or if subject will be immediately released after **SUMMONS** issued - Strip search **NOT** permitted.
- No other arrestee present during strip search.
- Inform Borough Court Section supervisor of strip search, including reason and results.
 - * Expedite appearances of prisoner and arresting/assigned officer with necessary details for arraignment judge.
- A second (*or more*) strip search will *not* be conducted *unless* reasonable belief that subject acquired a weapon or contraband after the initial strip search.

STRIP SEARCH ENTRIES**DESK OFFICER**

Make entry of strip search in:

- **COMMAND LOG:**

Include:

- * The basis for the authorization to search.
- * Rank, name, command of:
 - ~ Supervisor authorizing search.
 - ~ MOS performing search
- * Name of prisoner.
- * The results of the search, including negative results.

- **ON LINE BOOKING WORKSHEET:**

Supervisor authorizing search will ensure that the statement "Strip Searched" is written on the **OLBS** in the "Narrative" section and that the command and **COMMAND LOG** page are included for reference.

- **ACTIVITY LOG:**

Arresting Officer makes entry.

- **PRISONER MOVEMENT SLIP:**

If prepared, will include the statement "Strip Searched" with Command and **COMMAND LOG** page number in the Detention Alert Section of the form.

- **PRISONER TRANSPORT DISPATCH**

To notify Desk Officer, Precinct of Detention.

PROPERTY TO BE REMOVED FROM PRISONER**REMOVE THE FOLLOWING PROPERTY:**

- Unlawfully carried
- Evidence
- Dangerous to life or would aid escape
- Can deface or damage property
- Personal (*except clothing*) if intoxicated or unconscious
- N.Y.P.D. Press card - send to DCPI (*UF 49*)
- Auxiliary shield/Civil Defense Shield/ID card - send to Auxiliary Police Section (*UF 49*)
- Legally possessed prescription drugs, including methadone:
 - * Invoice in Plastic Security Envelope and send to the Property Clerk (*not Lab*).
 - * If prisoner is to be released, return drugs at the Station House.
 - * Prepare a Medical Treatment of Prisoner Form.
(*Alert others that prisoner may need prescription drug.*)
- Any property that prisoner wants vouchered for safekeeping.
- Pistol License and Firearms AND Rifle/Shotguns and Permits.
 - * Seize from pistol holder if arrested for any offense; seize rifle and permit for Felony offense.
 - * Send with report to License Division; voucher guns and permit.
 - * Seek **SEARCH WARRANT** if cannot obtain license and firearms by consent.
 - * If exigent circumstances, seize without warrant.
- PD Retiree ID Card from NYPD or former NYC Housing/Transit PDs.
 - * Forward to Assistant Commissioner, EMD, with report of facts

Give itemized receipt for those items temporarily removed and not to be held in Police custody.

NOTE: When a firearm is recovered pursuant to an arrest or recovered under circumstances requiring an investigation, the Desk Officer notifies the Detective Squad concerned immediately to enhance the arrest or conduct the investigation.

PRISONER SECURITY

NOTE: Desk Officers are **STRICTLY ACCOUNTABLE** for prisoners in the command.

- * Ensure that the prisoner is guarded at all times by a UMOS.
- * Direct arresting officer to remain with prisoner at all times unless relieved by arrest processing officer.
- * If prisoner is placed in a cell alone due to threats of or fights with other prisoners, is causing a disruption, or for any other reason, ensure that MOS monitors that prisoner closely. (Rev 10-07)

Desk Officers determine if a prisoner is a high escape risk, and if so, assign **2 escort officers** at all times.

Make this determination on a case by case basis, including factors, such as:

- * Seriousness of charge
- * Prisoner's unwillingness to identify self
- * Violence – forcible resistance, threats, history
- * Escape threats, attempts, history

Direct arresting officer to request a secure location that can be used for prisoner treatment (*when available*) from emergency room staff.

DELIVERY OF ARREST-RELATED DOCUMENTS TO ADA IN COMPLAINT ROOM**ARREST DOCUMENTATION CHECKLIST:**

- MOS** - Prepare **ARREST DOCUMENTATION CHECKLIST**.
- * After review by Desk Officer deliver to ADA.
- DESK OFFICER** - Ensure that all forms are prepared and forwarded.
- Photocopies are not necessary if snapout form includes copy for ADA.
 - In no case will arrest processing be inordinately delayed to make copies.
 - Only one copy of each **COMPLAINT REPORT** and **AIDED REPORT** is required regardless of the number of defendants (*single complainant cases*).

DETENTION FACILITY RULES

- May not be armed within detention facilities.
- Respond to Borough Court Section Intake Area with paperwork and prisoner.
- Upon entering, **immediately** secure firearms in designated Department locker.
- Retrieve firearm upon completion of police duties.

NOTE: The Dept. of Environmental Protection Police:

- * May process arrests at NYPD precincts
- * May lodge prisoners at Borough Court Section facilities
- * Normally transport their own officers and prisoners but may be transported with NYPD officers when bringing prisoners to BCS facilities.

JUVENILE ISSUES**QUESTIONING**

- Remove to location designated for interrogation of juveniles (*list in Command Reference Library*).
- Notify parents/guardians immediately if juvenile is taken into custody.
- Read rights to juvenile, utilizing **MIRANDA WARNINGS FOR JUVENILE INTERROGATIONS**, when the parent/guardian is present.
- If juvenile waives rights, continue questioning, unless parent/guardian objects to questioning or requests attorney.
- MOS need not obtain a separate waiver from a parent/guardian.

TRUANCY

- Juveniles are not normally arrested for truancy.
- If arrested on another charge, truancy (*Education Law section 3233*) may be added as a 2nd charge.
- Truants may be frisked or scanned with a metal detector, and handcuffed.

ARREST BY A CIVILIAN

(PG 208-4)

MOS

- Determine if reasonable cause exists for arrest.
- Determine if civilian has authority to arrest:
 - * Must be IN FACT committed
 - * Felonies - In or out of his presence; arrest anywhere in NYS.
 - * Misdemeanors/Offenses - In presence; Arrest only in county of occurrence.
- Accompany civilian and prisoner to stationhouse.

DESK OFFICER

- Determine validity of arrest.
- Direct that civilian be recorded as having made arrest.
- If MOS assigned to process arrest cannot complete processing before end of tour, assign relief.
- Arresting Officer is excused from court, unless:
 - * Possesses info material to prosecution, or
 - * Otherwise necessary

NOTE: Where MOS believes arrest of a civilian by a Traffic Enforcement Agent is unwarranted, Supervisor will respond to the scene or all parties will be brought to Stationhouse.

PHOTOGRAPHABLES

(PG 208-7)

- **Felonies:** including Juvenile Offenders.
- **3 - Weapons Misdemeanors**
 - * Possession of a firearm, 4th degree.
 - * Manufacture, Transport, Deface, Dispose of Weapons, Dangerous Instruments and Appliances.
 - * Prohibited Use - Hunt with Dangerous Weapon in NYC; Point Gun at a person; Discharge Gun in Public.
- **4 - Prostitution Misdemeanors (*All Except Permitting Pros*)**
 - * Promoting Prostitution
 - * Loitering for Prostitution subd 3 - pimp (A Misdemeanor).
 - * Prostitution (B Misdemeanor).
 - * Patronizing Prostitute
- **7 - Other Misdemeanors**
 - * Jostling.
 - * Criminal Impersonation of a Public Servant (*Sub 3*).
 - * Fraudulent Accosting (*except No Photo for 3-Card Monte*).
 - * Sexual Abuse 2 (*under 14 or mental defect/incapacity*).
 - * Trademark Counterfeiting, 3rd degree.
 - * **Graffiti**
 - ~ Making Graffiti
 - ~ Possession of Graffiti Instruments
 - * **Arson 5** (*Rev 07-05*)

NOTE: A hospitalized prisoner charged with a photographable Misdemeanor may be issued A DAT without taking photo.

FAMILY OFFENSES INVOLVING M.O.S.
(PG 208-37)

WHEN RESPONDING TO A FAMILY OFFENSE OR DOMESTIC INCIDENT INVOLVING A UNIFORMED OR CIVILIAN M.O.S., FOLLOW THE SAME PROCEDURES AS IN ALL DOMESTIC VIOLENCE INCIDENTS (SEE PG 208-36) AND DO THE FOLLOWING ADDITIONAL STEPS:

- MOS**
- Ensure that the Patrol Supervisor is responding.
 - * If M.O.S. in the Station House is apprised of the incident, the M.O.S. will notify the Desk Officer who will ensure compliance with these procedures.
 - Prepare **N.Y.S. DOMESTIC INCIDENT REPORT**.
 - * Give the last copy and the "Information" sheet to the victim.
- PATROL SUPERVISOR**
- Apprise all parties of the availability of counseling.
 - Notify the Commanding Officer/Duty Captain, who will assure that action is taken, whenever:
 - * MOS is victim
 - * There is doubt as to who is the victim
 - * Cross-complaints
 - If an offense has been committed, direct that **COMPLAINT REPORT** be prepared.
 - If M.O.S. is arrested, comply with PG 206-11.
 - Notify the Desk Officer.

NOTE: MUST ARREST FOR:

- * Felonies.
 - * Violation of **ORDERS OF PROTECTION**.
 - * Misdemeanors - unless victim, on his/her own volition, requests that an arrest NOT be made.
 - ~ Make arrest anyway if MOS doubts safety of household member.
 - ~ MOS may not ask victim if he/she wants an Arrest.

IF MOS IS ALLEGED TO HAVE COMMITTED AN OFFENSE:

- DESK OFFICER**
- Notify and confer with Commanding Officer/Duty Captain.
 - Notify I.A.B. and enter Log Number on/in:
 - * **DOMESTIC INCIDENT REPORT** (*Details Section*).
 - * Details section of **COMPLAINT REPORT** (*Refer to the Command determined by I.A.B.*).
 - * **PRECINCT DOMESTIC INCIDENT REPORT LOG** under Precinct Serial Number.
 - Enter the **SPRINT** number in that caption (*or CAD # if assignment originated through Transit Bureau Communications*).
 - If victim is in Station House, assure that no M.O.S. have access to the victim, except the M.O.S. investigating the incident.
 - Prepare a Report on Typed Letterhead in ALL cases, including referrals/counseling offered to victim.
 - * Forward Report with copy of **COMPLAINT REPORT** and **D.I.R.** to:
 - ~ Chief, I.A.B. (*Original & canary copy of DIR*)
 - ~ C.O., M.O.S. involved.
 - ~ C.O., Precinct of occurrence.
 - ~ C.O., Borough investigations unit concerned.
 - ~ C.O., Borough investigations unit covering M.O.S.'s Command.
 - ~ C.O., Medical Division.
 - ~ C.O., Personnel Orders Section if firearms are removed.
 - ~ C.O., Employee Management Division (*fax immediately*).

NOTE: Only persons investigating the incident will have access to the complainant.

- * No other copies or files relating to the investigation will be maintained at the precinct other than in the Commanding Officer's confidential file.
- Victim may be referred to NYS Victims Services or NYS Coalition Against Domestic Violence.
(I.O. 27 s.03)

- COMMANDING OFFICER/
DUTY CAPTAIN**
- Commence an immediate investigation.
 - If offender is not present, and further investigation is required, confer with IAB and request assistance if necessary.
 - Duty Captains make all decisions concerning the initial investigation in or out of NYC.
 - Make a background inquiry to IAB during initial stages of investigation, prior to:
 - * Suspending
 - * Modifying, or
 - * Temporarily removing firearms in non-disciplinary cases
 - ~ (PG 205-47 uses this terminology instead of "Restricted Duty.")
- M.O.S.'s
COMMANDING OFFICER**
- Review and maintain a confidential file of all reports regarding M.O.S. involved in domestic incidents.
 - Confer with IAB or Investigations Unit regarding status of investigation.

BOROUGH INVESTIGATIONS UNIT

- Each Investigations Unit will designate a *supervisor* to be a "Domestic Violence Investigator."
- The Investigation Unit will have a **DOMESTIC INCIDENT REPORT** Database in which the **D.I.R.** will be entered and the database checked for previous incidents.
- To determine if previous **D.I.R.s** have been prepared, the Investigation Unit will confer with:
 - * I.C.O. of subject's residence Precinct.
 - * I.C.O. of victim's residence Precinct.
 - * Investigation Unit covering M.O.S.'s Command.
 - * I.A.B.

NOTE: Off-Duty M.O.S. must remain at the scene of unusual Police occurrences including family disputes. M.O.S. may leave if safety is endangered but must notify Desk Officer, Precinct of occurrence. If incident occurs outside N.Y.C., Off-Duty M.O.S. notifies Operations Unit.

NOTE: Uniformed and civilian M.O.S. may obtain counseling or referrals for counseling from numerous Department units, State and National agencies/programs. During after-hours emergencies, M.O.S. will contact the **HELPLINE**, Sick Desk, or Operations Unit.

NOTE: MOS **must immediately** notify C.O./Supervisory head when they become aware that they are the respondent/defendant of an Order of Protection (OOP).
The C.O. will:

- * Investigate to determine if MOS is fit for duty.
- * Notify IAB and obtain a Log#.
 - ~ If command is closed, MOS notifies IAB, and provides Log # to C.O. ASAP.
- * If MOS is subject of Final OOP prohibiting firearms possession at all times, MOS will be placed on Modified Assignment if currently on full-duty status.
 - ~ Prepare Typed Letterhead & make notifications per IO 52 s.12 (PG 206)

MOS who are the petitioners/complainants of an OOP must notify C.O. for safety reasons.

- * If necessary, comply with PG 212-31 re: Threats to MOS.

NOTE: When an MOS is the subject of a court order prohibiting firearms possession off-duty, but permitting possession on-duty, the member will comply with the above procedure for being served with an OOP. If the above interview/investigation reveals a basis for firearms restriction independent of the Court Order, the MOS will be placed on either Modified Assignment or Restricted Duty. If no independent basis for firearms restriction is found, MOS will remain on full-duty status. MOS must execute an **ACKNOWLEDGEMENT OF RESPONSIBILITIES CONCERNING COURT ORDER LIMITING FIREARMS POSSESSION**. (I.O. 31 s.01)

RELEASE OF PRISONERS

(PG 210-13, 14 & 15)

REGARDLESS OF WHO MADE THE ARREST, A PRISONER WILL BE RELEASED IF:

- * He did not commit the offense or any related offense or
- * No offense was committed.

- MOS**
- Should obtain consent of Patrol Supervisor but if unavailable, confer with Desk Officer or Borough Court Section Supervisor.
 - *Prior to removal of prisoner to Station House, if Patrol Supervisor is unavailable, release prisoner immediately and then notify Patrol Supervisor/Desk Officer ASAP.*
 - *Always notify the Desk Officer and Borough Court Section (if released from a police facility or BCS facility).*
 - *We may release a prisoner any time up until arraignment.*
 - *Prepare a voided **ARREST REPORT (OLBS)**.*
 - * Generate arrest number and use code “V” for voided arrest.

NOTE: When an arrest is voided for any reason and the prisoner was printed via Live Scan, 1 copy of the **OLBS ARREST WORKSHEET** or **ARREST REPORT SUPPLEMENT**, as appropriate, must be delivered to the court section intake supervisor, borough of arrest, who will fax a communication to DCJS with a request to seal the defendant’s record.

- SUPERVISOR**
- Examine and initial **MOS’ ACTIVITY LOG** entry.
 - Authorize release and assure that property is returned.

- DESK OFFICER**
- Assign UMOS to prepare **ARREST REPORT SUPPLEMENT** and forward to Borough Court Section if **OLBS ARREST WORKSHEET** has been prepared.
 - Enter “**VOIDED ARREST**” across top of **OLBS ARREST WORKSHEET** or **ARREST REPORT SUPPLEMENT**
 - * Indicate reason in details including statement that property was returned, witnesses, Supervisor who authorized release and the time of release.
 - Make OLBS “*Record Voiding*” (PF5) entry.

NOTE: When notified by an arresting officer that an Assistant DA requests an arrest be Voided the desk officer will confer with the Legal Bureau and make a **COMMAND LOG** entry, including the names of the Legal Bureau attorney, Assistant DA, DA’s Office supervisor & BCS supervisor.

- * Enter above in “*Narrative*” of **OLBS ARREST WORKSHEET** or “*Details*” of **SUPPLEMENT**.
- * Notify BCS via Telephone Message of final status of prisoner. (IO 48 s.12)

- Make **COMMAND LOG** entry.
 - * Make entry in **TELEPHONE RECORD** if another Police agency releases a prisoner from other than the Station House.
- Notify Commanding Officer & Borough Court Section.

- COMMANDING OFFICER**
- Compare written notification from other Police agency with **TELEPHONE RECORD** entry.
 - *Endorse written notification to CJB and Identification Section.*
 - *If conflict exists between Desk Officer and arresting Officer of another agency, CO/Duty Captain will make decision.*
 - *If the Borough or the C.O. is not satisfied that the release of NYPD prisoner was proper, report to the First Deputy and Chief of Department (Not IAB).*

NOTE: Upon receipt of a **LAB REPORT**, indicating a negative finding for any controlled substance, the Desk Officer must notify the arresting officer to disregard scheduled court appearance if **no other pending charges**. Notify roll call to note cancellation in Diary. Deliver **LAB REPORT** to member. File green copy of **PROPERTY CLERK’S INVOICE** received from Property Clerk and note storage number on **PROPERTY INDEX**.

The DA’s Office will notify the Department of Correction to release the prisoner.

RELEASE OF PRISONER AT COMPLAINT ROOM
BY DIRECTION OF ADA
 (PG 210-16)

- ARRESTING OFFICER**
- Obtain copy of D.A.'s Decline Prosecution (*DP*) letter and make an **ACTIVITY LOG** entry.
 - Notify the Desk Officer
 - Conduct Warrant Check and ascertain from Borough Court Section (*BCS*) if Rap Sheet was received.
 - * If active warrant, do not release; process arrest on warrant.
 - * Release if no warrant.
 - ~ Do not delay release solely because Rap Sheet not received.
 - Provide a copy of DP to BCS Supervisor
 - * By fax if A/O at precinct, or
 - * In person if at D.A.'s Complaint Room
 - File copy of DP in Arrest Folder

NOTE: BCS Supervisor is notified by Desk Officer re:

- * Whether prisoner released or arrested on warrant at precinct, or
- * DP if prisoner is enroute to or present at BCS

(Notification is made by A/O if at D.A.'s Complaint Room)

NOTE: If prisoner is hospitalized, A/O must notify and fax copy of DP to desk officer/counterpart, who will direct release of prisoner, if no active warrant. If active warrant, Desk Officer will assign a UMOS to process prisoner solely on warrant.

DEBRIEFING OF PRISONERS
 (PG 210-18)

- All prisoners must be debriefed.
 - Debriefings will be done by investigators or supervisors.
 - * Not normally done by police officers
 - * Log all debriefings in **DEBRIEFING LOG**.
 - ~ Commands can use a computer database instead of a **DEBRIEFING LOG**.
 - If a database is used, a hard copy of the debriefings must be maintained in a binder.
- DESK OFFICER**
- Inspect **DEBRIEFING LOG** each tour and document results in **COMMAND LOG**.
- DEBRIEFING MOS**
- Record on a **COMPLAINT FOLLOW-UP INFORMATIONAL**
 - * Information obtained
 - * Notifications made & Log numbers obtained
 - Notify the following re: information obtained:
 - * Unit/Investigator concerned
 - * **Criminal Intelligence Section (IO 6.3 s.10)**

NOTE: A Debriefing is considered positive if information is obtained re: crime or evidence not related to current arrest charges.

- * A Confession or admission re: current arrest is not a Positive Debriefing.

SUPERVISOR

- Have threatened UMOS notified.
 - * If UMOS is off duty at time of threat, direct UMOS to contact:
 - ~ **PDS, ASAP.**
 - ~ Intelligence Divisions Operations Unit, immediately for debriefing and assessment of threat precautions to be implemented, if necessary.
- Direct all persons to remain at scene OR report to station house.
- Direct preparation of a **COMPLAINT REPORT**.
 - * **DO NOT** include info re: ID and residence of threatened UMOS.
 - * Mark **COMPLAINT REPORT** as “OPEN,” in all cases and refer to PDS.
- Notify:
 - * CO/Duty Captain
 - * PDS
 - * Intelligence Division, Threat Assessment Unit
- Prepare a report to Chief of Department, with copy to Intel.

COMMANDING OFFICER / DUTY CAPTAIN

- Determine which recommendations, if any, by the **Threat Assessment Unit** should be implemented, and allocate patrol personnel accordingly.
 - * Options include, but are not limited to:
 - ~ Providing a panic alarm.
 - ~ Providing a Department radio that covers frequency of residence precinct.
 - ~ Directed patrol to residence or other relevant location.
- Consider including residence address for inclusion on the Hazardous/Sensitive Location List (*AG 316-35*).
 - * Modifications to SPRINT requires a report to the Chief of Department.

NOTE: Safety of the threatened UMOS is the 1st priority. Therefore, the **COMPLAINT REPORT** will be filed and the primary investigative jurisdiction rests with the PDS that covers the target of the threat, regardless of where the threat originates.

<u>THREAT AGAINST</u>	<u>PDS HAVING JURISDICTION</u>
On-Duty MOS	Assigned Precinct
Off-Duty MOS	Residence Precinct, if within NYC
Off-Duty & Residence o/s NYC	Precinct from which threat originates.*

*If the location of origin and location of receipt of the threat are within the City, the location of origin will take priority.

*If neither the origin or receipt locations are within NYC, and the targeted UMOS does *not* reside within NYC, the *Threat Assessment Unit* will monitor the investigation by the Police Agency with jurisdiction and for coordinating this Department’s assistance to that agency.

*In all cases, the C.O., residence OR assigned precinct (per above), will implement recommendations re: security measures by the *Threat Assessment Unit* after conferral with Commanding Officers at:

- ~ Patrol Borough, and
- ~ Intelligence Division

OR

- ~ as directed by higher authority

NOTE: NO DAT for any person arrested for threatening, harassing or menacing a:

- * UMOS
- * Elected Official
- * Any NYC, NYS or US government employee (*Rev. 05-01*)

OFF DUTY INCIDENTS INVOLVING UMOS

(PG 212-32)

- MOS**
- Remain at scene, if feasible.
 - * If must leave scene, notify Desk Officer, precinct of occurrence.
 - * If outside NYC, notify Operations.
 - Request response of Patrol Supervisor.
- PATROL SUPERVISOR**
- Respond to scene and assess situation.
 - Notify Desk Officer.
- DESK OFFICER**
- Notify CO/Duty Captain **& IAB.** (Rev 07-04)
- COMMANDING OFFICER**
- Conduct investigation and take appropriate action.

CONFRONTATION SITUATIONS

(PG 212-33)

IMPORTANT CONSIDERATIONS

- The actions of the Members of the Service in the first few seconds are of vital importance.
- The burden of providing identity rests on the **CONFRONTED** Officer, whether “On Duty” or “Off Duty.”
- The **CHALLENGING** Officer has the responsibility to use sound tactics and judgment in the approach.
- Civilian clothed Officers should make it a practice to carry their Shields in a pocket opposite their shooting hands. *(Note that Chief of Department Memo 4 s.95 advises A/C officers to wear shields on chains around their necks.). Supervisors will ensure that civilian clothes officers doing enforcement are aware of Color of the Day.*

CHALLENGING OFFICER - The M.O.S. who comes upon the scene where an unidentified armed person is observed who may be a law enforcement officer.

CONFRONTED OFFICER - The M.O.S. (*usually civilian-clothed*) either, “On” or “Off Duty,” who may be armed and taking Police actions, and whose identity and objectives are not immediately apparent to the **CHALLENGING** Officer.

Take the following action in confrontations between uniformed MOS:

CHALLENGING OFFICER

- Immediately take cover to the REAR of the person being challenged, NOT TO THE SIDE.
- Identify self, stating, “POLICE: DON'T MOVE!”
- Avoid using directives that are contradictory, such as, “DON'T MOVE AND RAISE YOUR HANDS.”
- Avoid using slang terms such as, “FREEZE” or “HOLD IT!”
- **Do not use stereotypes based on race, color, ethnicity, hairstyle, clothing or physical appearance.**
- **Note that racial/ethnic profiling violates US & NYS Constitutions. (IO 54 s.12)**

CONFRONTED OFFICER

- Remain motionless even if it means losing a fleeing suspect.
- Do NOT turn body, especially if holding a firearm.
- Obey all directions from the Officer making the challenge.

CHALLENGING OFFICER

- Request subject to give exact location of **ID** to produce **ID** in a CONTROLLED manner if subject claims to be a Police Officer.
 - * Remember that **IDENTIFICATION CARD** is primary form of identification & must always be carried. Shield need not be carried if MOS is not armed.

- CONFRONTED OFFICER**
 - Inform uniformed MOS of location of ID before moving.
 - Produce ID slowly (*If requested, remove from wallet*).

- CHALLENGING OFFICER**
 - Examine credentials and return if satisfied.
 - Request Patrol Supervisor of Precinct of occurrence and Supervisor of “On-Duty” MOS to respond.

- SUPERVISOR**
 - Have both MOS report to the Station House, Precinct of occurrence.
 - If occurs in Department building, report to C.O. of building.

- COMMANDING OFFICER, PCT./ DEPARTMENT BUILDING**
 - Determine duty status of members involved
 - Confer with CO’s of both the “On” or “Off Duty” members involved.
 - * Conduct joint investigation.
 - * File joint report.

- COMMANDING OFFICER PREPARING REPORT**
 - Interview the following:
 - * MOS involved.
 - * Supervisors
 - * Witnesses
 - Phone OEEO and obtain case #.
 - Confer with Personnel officers and/or Employee Relations.
 - Prepare report, including how resolved.
 - * Copies to OEEO and C.O.s of members involved.

- COMMANDING OFFICER MEMBER INVOLVED**
 - Inform MOS of results of investigation.
 - Counsel member on weaknesses and corrective measures taken.

NOTE: An MOS dissatisfied with the determination by the C.O. may appeal to the next higher command to review the matter.

PROBATIONARY P.O. POLICE ELIGIBLE, OR CIVILIAN EMPLOYEE INVOLVED IN A POLICE INCIDENT
(PG 212-34)

When any of the following are involved in a Police incident:

- Probationary Police Officer (PPO)
- Civilian employee.
- Person eligible for appointment to the Department.

M.O.S. who handles the incident:

- Report the facts to the Commanding Officer.

Commanding Officer conducts investigation, notifies IAB (Rev 07-04) and prepares Report to appropriate CO (below).

On an Eligible list - Medical Division and Applicant Processing Division

PPO or civilian employees - Performance Analysis Section

- * If PPO assigned to Police Academy, forward copy to CO, Police Academy and Notify:
 - ~ Recruitment Operations
 - ~ Performance Analysis Section on next business day (Rev 07-04)

When a Police Cadet:

- Is involved in an off-duty incident, the Desk Officer must:

- * Notify Commanding Officer, Cadet Corps
- * Fax a Typed Letterhead or Unusual Occurrence Report to the Cadet Corps. (FINEST Message 018047, dated 12/2/05)

- Resigns, he/she must appear in person at the Police Cadet Corps office. (FINEST Message 012045, dated 11/21/05)

INCIDENTS INVOLVING ENFORCEMENT PERSONNEL
of OTHER AGENCIES
 (PG 212-35)

This procedure involves interactions between UMOS and specific members of either of the following 2 agencies:

- Department of Transportation:
 - * Highway Inspection/Quality Assurance Inspectors
 - * Parking Control Unit Agents
- Sanitation Department
 - * Enforcement Agents

Detectives will make the below notifications if, during the investigation:

- They will issue a **SUMMONS** or arrest one of the above Enforcement Agents, or
- A **COMPLAINT** of unnecessary force by an MOS is alleged by such agent.

MOS - Immediately request response of Patrol Supervisor.

PATROL SUPERVISOR - Seek witnesses and bring all parties to the Station House.
 - Inform the Desk Officer of the facts.

DESK OFFICER - Notify:

- * The CO/Duty Captain
- * The agency concerned
- * CCRB, *if an allegation of unnecessary force is alleged.*

COMMANDING OFFICER/DUTY CAPTAIN - Investigate.
 - Confer with supervisory/managerial personnel of enforcement personnel involved.
 - If one of the agents wants to make an arrest claiming assault, or subject of any other crime, the MOS will assist in the arrest and take the prisoner into custody, if probable cause exists.

- * No arrest or Summons for a violation, unless offense is personally observed by M.O.S. (*Harass 2^o*).

 - Prepare and forward report to Chief of Department.

NOTE: DO NOT issue **DAT** to person charged with **A H A R M** against an NYC Enforcement Agent performing official duty.

- A** Assault 3rd degree or Attempt
- H** Harassment 1st degree
- A** Aggravated Harassment
- R** Reckless Endangerment 2
- M** Menacing 2nd or 3rd degrees

MAYOR’S EXECUTIVE ORDER NO.’s 34 & 41:
NYC POLICY CONCERNING CONFIDENTIAL INFORMATION AND
IMMIGRANT ACCESS TO CITY SERVICES

(PG 212-66 REVOKED BY I.O. 5 S.04)

CONFIDENTIAL INFORMATION

- Information obtained and maintained by City agency, including tax record information, relating to a person’s:
 - * Sexual Orientation
 - * Status as a victim of Domestic Violence or Sexual Assault
 - * Status as a Crime Witness
 - * Receipt of Public Assistance
 - * Immigration status

- Do not disclose confidential information, unless:
 - * Authorized in writing by subject of record or person’s parent/legal guardian if a minor or dependant adult
 - * Required by law
 - * Required by another city employee to achieve the mission of that City agency
 - * For info other than immigration status, disclosure is necessary to achieve the mission of City agency
 - * For info regarding immigration status,
 - ~ Subject is suspected of engaging in illegal activity other than for being an undocumented alien
 - ~ If necessary to apprehend person suspected of engaging in above illegal activity
 - ~ Disclosure is necessary in furtherance of investigation of potential terrorist activity

INQUIRIES REGARDING ALIENS

- UMOs/Peace Officers: Do not inquire regarding immigration status unless investigating illegal activity
- Civilian MOS (o/t Peace Officers): Do not inquire regarding immigration status unless:
 - * Necessary for determination of program, service or benefit eligibility or provision of City services
 - * Required by law

NOTE: Consult with the Legal Bureau for any question regarding disclosure of confidential information.

- When an alien has been arrested for a criminal offense:
 - * Intelligence Division notifies the US Bureau of Immigration and Customs Enforcement, based on data retrieved from OLBS.

NOTE: MOS must ask arrested person regarding his/her citizenship status and country of birth, and make appropriate entries on [OLBS ARREST WORKSHEET](#).

POLICE / CLERGY PROGRAM
 (PG 212-67)

POLICE / CLERGY LIAISON – Designated members available to assist Department in:

- Maintaining calm
- Seeking cooperation from community during and after emergencies, e.g., bias, hostage and EDP situations.
- Acting as unofficial recruiters.
- Attending appropriate events, e.g., Council meetings.

POLICE / CLERGY VOLUNTEERS – are selected by Precinct Commanders, based on Precinct needs.

- Function within Precinct boundaries, performing above duties.

WHEN A VACANCY OCCURS IN THE POLICE / CLERGY PROGRAM:

- | | | |
|------------------|---|---|
| PRECINCT | - | Notify Deputy Commissioner, Community Affairs, in writing, as to cause. |
| COMMANDER | - | Submit Nomination for candidate to DCCA through channels. |
| | * | Nominations should not exceed 5 per Precinct. |
| | - | Direct maintenance of a log, listing all recruited and selected clergy, both liaisons and volunteers. |

NOTE: Possession of a Police / Clergy Liaison ID Card does not allow access to police lines without authorization of the ranking officer in charge.

CONFIDENTIAL INFORMANTS

(PG 212-68)

- MOS**
(Contact)
- Notify Supervisor *immediately*, if MOS develops a confidential relationship with an informant.
- SUPERVISOR**
& "Contact"
- Interview the informant.
 - Prepare original and 1 copy of CONFIDENTIAL INFORMANT REGISTRATION/REACTIVATION REQUEST and CONFIDENTIAL INFORMANT REGISTRATION/REACTIVATION REQUEST SUPPLEMENTAL (IO 45 s.12) and attach the following:
 - * Computer checks, listed on CONFIDENTIAL INFORMANT COMPUTER DATABASE CHECKS.
 - * 2 current, clear head and shoulder color photographs (*no hats, sunglasses, etc.*) [Do not use mug shots from files or computer]
 - Ascertain from prospective CI if he/she:
 - * Has knowledge of criminal, terrorist or corruption activity.
 - * Has ever been registered as a CI with any law enforcement agency.
 - ~ If yes, confer with agency through the Intelligence Division.
 - Direct prospective CI to:
 - * Sign CONFIDENTIAL INFORMANT REGISTRATION /REACTIVATION REQUEST in your presence.
 - * Refrain from any criminal activity except under supervision of NYPD (*e.g., controlled buy*)
 - * Notify contact or supervisor immediately if arrested.

NOTE Precinct, Housing and Transit personnel will never use CI for controlled buys, vice enforcement, etc.

When notified that a CI has been arrested, the supervisor will immediately forward a Typed Letterhead to the Bureau Chief concerned.

- Recommend approval/disapproval of CI by endorsing CONFIDENTIAL INFORMANT REGISTRATION/ REACTIVATION REQUEST.
 - * Forward REQUEST to Borough/Division Commanding Officer through the precinct, PSA or Transit District Commanding Officer.
 - * If not recommended for registration, document reasons on form and forward in same manner.

NOTE If exigent circumstances exist, a Captain or above may give permission for provisional registration of a CI.

- * FAX a REQUEST & SUPPLEMENTAL to the Intelligence Division.
- * Request Intelligence Division to check CI Database to ensure CI was not previously registered.
- * Perform normal registration procedures within **72 hours**.

- Maintain secure file for active registered CIs (*separate folders for each CI*)
- Maintain separate file for informants
 - * Not recommended for registration
 - * Deactivated
- Require contacts to submit a CONFIDENTIAL INFORMANT INFORMATION CHANGE, ACTIVITY AND PAYMENT for each CI interaction.
 - * Include an evaluation of quality and accuracy of information used.
 - * File copy in informant's folder
 - * Forward copy to Bureau Coordinator
 - * Use this form to notify Intelligence Division of any change in CI's status.
- Deactivate CI if CI:
 - * Involved in unsupervised criminal activity that compromises CI's usefulness.
 - * Lies related to CI's function
 - * Does not maintain regular/scheduled contact.

- **An inactive CI can only be reactivated by submitting a new CONFIDENTIAL INFORMANT REGISTRATION/REACTIVATION REQUEST & SUPPLEMENTAL.**
- Submit quarterly reviews of active CI on a CONFIDENTIAL INFORMANT INFORMATION CHANGE, ACTIVITY AND PAYMENT to Bureau Coordinator by *3/15, 6/15, 9/15 & 12/15*.
 - * Include CIs deactivated during review period.
 - * If review is not submitted, permission to use CI will automatically be revoked.

NOTE: To obtain the services of an informant in an investigation:

- * Prepare a CONFIDENTIAL INFORMANT DATABASE INQUIRY with C.O.'s signature, requesting Intelligence Division to search file for an informant who may be of assistance.
- * Fax INQUIRY form to the Intelligence Division & forward original INQUIRY within **24 hours** via Department mail.
- * In emergency, captain or above may telephone request and follow-up with INQUIRY.
- * Contact obtains permission of own appropriate captain to use CI.

NOTE Patrol and Housing Bureau units can register CIs for use within their boundaries on a **1 time** use within **30 days**. After that, notify the Bureau CI Coordinator who will evaluate possible use by other units:

Patrol/Housing/Transit Bureau commands may not use the Field Intelligence Officer as the registering supervisor solely to circumvent the **30-day activation** and **single-use**

NOTE: DO NOT use an informant unless he is registered as a C.I.

- * Use of unregistered informants will be subject to disciplinary action.

The Field Intelligence Officer will perform duties of supervisor if assigned to contact's command.

NOTE If the prospective CI is:

* Less than 18	Need written permission of parent/guardian
* On Probation	Need permission of probation officer
* On Parole	Need written permission of Division of Parole
* Wanted on Warrant	Have warrant vacated. Captain or above must indicate on form reason for vacating warrant and information CI will provide.
* Defendant active case	Need permission from Assistant DA

IN ORDER TO PREVENT DUPLICATION OF INVESTIGATORY EFFORTS BETWEEN UNITS OR AGENCIES:

- Notify **SAFETNET Bureau Coordinator (PG 212-107)** at the onset of an investigation involving:
 - * Narcotics
 - * Firearms
 - * Money Laundering
 - * Insurance Fraud
 - * Any investigation necessitating a SEARCH WARRANT
 - * Any active target investigation in which an Undercover may be utilized

NOTE: For investigations under purview of IAB and Deputy Commissioner Counter Terrorism, SAFETNET inquiries and/or conferrals will be done per those Bureau commanders so as not to compromise internal or sensitive investigations. (PG 212-107)

INVOLUNTARY PROTECTION SERVICE

(PG 212-69)

WHEN PRESENTED WITH A COURT ORDER BY SOCIAL SERVICES REPRESENTATIVES TO ENTER PREMISES TO DETERMINE IF AN ADULT NEEDS PROTECTIVE SERVICES:

- Direct Social Service representative to deliver ORDER to D.C.L.M.
- * D.C.L.M. forwards copy to Operations Unit.
- * Operations Unit logs ORDER and notifies Patrol Services Bureau and Patrol Boro concerned.
- * Patrol Boro notifies Desk Officer, Precinct concerned.

- DESK OFFICER** - Enter notification in TELEPHONE RECORD.
- Direct Patrol Supervisor and M.O.S. to accompany representative to location.

NOTE M.O.S. preserves the peace; do not assist in:

- * Forced entry
- * Securing the location
- * Protecting the property.

- PATROL SUPERVISOR** - Prepare Typed Letterhead to Chief of Department, IRS.

CIVILIAN COMMENDATIONS(NON-MOS)

(PG 212-70 suspended by I.O. 19 s.04)

TO RECOGNIZE CIVILIANS (OTHER THAN MOS) FOR VALUABLE ASSISTANCE TO THE POLICE DEPARTMENT OR THE COMMUNITY.

- MOS** - Prepare a CIVILIAN COMMENDATION APPLICATION and Submit request to Operations Coordinator.

- OPERATIONS COORDINATOR** - Assign serial number and forward to CO.

- COMMANDING OFFICER**
- Determine if CIVILIAN COMMENDATION APPLICATION is appropriate.
 - Have warrant check conducted of civilian and attach to APPLICATION.
 - * If disapproval is based on warrant check, file in command.
 - Endorse approved APPLICATION to Borough/Bureau Commanding Officer:
 - Upon receiving approved APPLICATION from DCCA, sign CERTIFICATE OF CIVILIAN COMMENDATION and coordinate presentation to recipient.

NOTE: Endorsement or nominations from outside NYPD will not be considered.

CIVILIAN COMMENDATION APPLICATION may be Rosario material. The Arresting Officer should advise Assistant DA in a pending case of the APPLICATION as well as any other recorded statements of witnesses.

GRAFFITI REWARD PROGRAM

(PG 214-3)

WHEN A MOS RESPONDS TO A REPORT OF GRAFFITI VANDALISM IN PROGRESS:

- MOS**
- Arrest the violator if still present.
 - Prepare **COMPAINT REPORT WORKSHEET**.
 - Take digital photos of graffiti for forwarding to Citywide Vandals Task Force
 - Immediately notify Citywide Vandals Task Force to respond for prisoner debriefing.
 - * Obtain CVTF log number & enter in "Notifications" caption of **COMPLAINT REPORT**.
- DESK OFFICER**
- Verify response of Citywide Vandals Task Force for prisoner debriefing.
 - Obtain copy of arrest paperwork, attach copy of SPRINT printout (*if arrest resulted form radio run*) & forward to:
 - * Commanding/Executive Officer
 - * Special Operations Lieutenant
 - * CO, Citywide Vandals Task Force
- SOL**
- Maintain file of Graffiti Reward Program arrests .

NOTE: Awards are not available to law enforcement Officers or employees of New York City.

AUXILIARY POLICE OFFICER VOLUNTEERS AS UNDERCOVERS QOL ENFORCEMENT

(PG 214-5)

VOLUNTEER APO: *18-20½ year olds* may be utilized as undercover to purchase alcohol only:

- Upon recommendation by Precinct SOL, and
 - After receiving training by borough Vice Enforcement Unit.
- SOL**
- Direct Auxiliary Coordinator to identify appropriate volunteers (above) by:
 - * Personnel data records
 - * Conferral with Auxiliary Police Section
 - Interview volunteer to determine suitability.
 - Make selection based on member's:
 - * Maturity
 - * Background
 - * Judgment
 - * Communications skills
 - * Demeanor
 - Advise APO volunteer prior to training that APO may be subpoenaed by defendant to testify in Criminal Court or in a SLA hearing.
 - Direct APO Coordinator to forward a list of volunteers, semi-annually (1/5 & 7/5):
 - * Borough Auxiliary coordinator, and
 - * Auxiliary Police Section, Training Unit
 - If APO's status changes, immediately notify the following to remove APO from volunteer list:
 - * Borough Auxiliary coordinator, and
 - * Auxiliary Police Section
 - * Vice Enforcement Division
 - Prepare and forward a report to the Borough Auxiliary Coordinator after each time an APO is used as an undercover.

CASE FOR LEGAL ACTION PROGRAM

(PG 214-7)

PURPOSE

To remove public housing residents who are arrested within NYC Public Housing Developments for designated crimes or pursuant to the execution of search warrants where contraband is recovered.

- The warrants and designated crimes that make a resident eligible for eviction are as follows:
 - * *Category I* - Search Warrants where contraband is recovered
 - * *Category II* - Narcotics and Marijuana arrests for felonies
 - * *Category III* - Murder, Assault 1, Robbery 1 or 2, Burglary 1, Rape 1, Criminal Sexual Act 1, Course of Sexual Conduct Against a Child 1, Agg. Sexual Abuse 1, Firearms and any case deemed appropriate by Commanding Officer after conferral with CFLA Coordinator with approval of Chief of Housing Bureau.
 - * Attempts count for Murder and Sex Crimes.

- MOS**
- Upon arresting a NYC Housing Authority resident, 16 years of age or older, pursuant to any of the above categories, prepare a CFLA package consisting of the following:
 - * [CASES FOR LEGAL ACTION COVER SHEET](#)
 - * [OLBS ARREST REPORT](#) (*computer generated copy*)
 - * [COMPLAINT REPORT](#) (*computer generated copy*)
 - * [PROPERTY CLERK'S INVOICE](#)
 - * [REQUEST FOR LABORATORY EXAMINATION](#)
 - * [NYCHA TRESPASS NOTICE](#) (*when prepared*)
 - * [SEARCH WARRANT](#) (*not application*)

- COMMANDING OFFICER**
- Verify CFLA package is prepared for all qualified arrests.
 - Forward packages daily to Housing Bureau Special Operations Section, Attention CFLA Coordinator.

NOTE: Arresting Officers will redact info that indicates identity of Confidential Informant, Juvenile Delinquent, victim of sex crime, sealed records or confidential info required by law.

NOTE: A resident of public housing can be subject to the provisions of this program even though:

- * Resident is not arrested or present at the time of the warrant execution.
- * Triggering Incident (*arrest*) occurs in a housing development other than the one in which the resident lives.

CHRONIC ABUSER ALARM PROCEDURES

(PG 214-8)

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

- MOS**
- Prepare [NOTICE OF UNNECESSARY ALARM](#).
 - * Serve and enter person served on [NOTICE](#).
 - * Persons qualified to accept service include:
 - ~ Owner
 - ~ Corporate officer
 - ~ Manager/Supervisor
 - ~ Adult employee if supervisor not available
 - ~ Adult resident

NYC DEPARTMENT OF BUILDINGS ACCESS WARRANTS

(IO 29 s.11)

WHEN REQUESTED TO ACCOMPANY THE NYC DEPARTMENT OF BUILDINGS EXECUTING AN **ACCESS WARRANT**:

- DESK OFFICER**
- Review **ACCESS WARRANT** to ensure validity, i.e., Supreme Court Judge endorsement and expiration date.
 - Make **COMMAND LOG** entry consisting of:
 - * Full name of NYC DOB inspector
 - * Index number & issuing court
 - * Address of location identified on Warrant

NOTE: Make a 2nd **COMMAND LOG** entry when inspection is completed.

- Request Communications to assign an RMP to accompany inspector
- MOS**
- Enter premises with NYC DOB inspector and remain until inspection completed.
 - * Notify the Desk Officer when inspection completed.

NOTE: MOS will preserve the peace and prevent crime. The execution of the **ACCESS WARRANT** is the sole responsibility of the NYC DOB Inspector. Under no circumstances will an MOS assist in breaking door or damaging property to execute **WARRANT** or gain access.

* If access to premises is denied, the NYC DOB will reschedule execution of **ACCESS WARRANT**.

INSPECTIONS OF PAWNBROKERS AND SECOND-HAND DEALERS

(I.O. 46 s.12)

- SOL**
- Maintain an updated list of all pawnbrokers and 2nd-hand dealers in precinct
 - * Divide into 2 categories, i.e., stores that:
 - ~ Enter records in Electronic Reporting System
 - ~ Maintain manual records
 - * Provide copy of list to:
 - ~ Commanding Officer
 - ~ Executive Officer
 - ~ Detective Zone Commanding Officer
 - ~ Field Intelligence Officer
 - ~ Other specialty unit supervisors, as appropriate
 - Designate UMOS as a liaison with pawnbrokers & 2nd-hand dealers
- DESIGNATED UMOS**
- Provide each pawnbroker & 2nd-hand dealer with **SECOND-HAND ARTICLES STORE LOG** if store does not participate in Electronic Reporting System.
 - * Provide 2nd-hand dealers with **INSTRUCTIONS TO DEALERS IN SECOND-HAND ARTICLES** in all cases.
 - Visit each store maintaining manual records at least *once every 10 days* & sign **SECOND-HAND ARTICLES STORE LOG**.
 - * Remove Precinct Detective Squad (*pink*) copy of completed transactions from **LOG**, if applicable, and deliver to Squad Commander.
- CRIME PREVENTION OFFICER**
- Review list & visit all pawnbrokers and 2nd-hand dealers in precinct.
 - * Encourage use of Electronic Reporting System (*ERS*)
 - * Monitor ERS to ensure that participating stores are uploading data *daily*.

NOTE: Contact the Legal Bureau for a complete list of licenses.

* Pawnbrokers & 2nd-hand dealers are licensed by the NYC Department of Consumer Affairs.

FLAG BURNING INCIDENTS
(CHIEF OF DEPARTMENT 4 s.91)

- Flag burning is a constitutionally protected form of free speech.
- **NYS GENERAL BUSINESS LAW**, Section 136, which prohibits burning, defacing, defiling, or trampling on the American flag, will not be enforced.
- **NYC ADMINISTRATIVE CODE**, Section 27-4249, which prohibits igniting or maintaining an open fire anywhere within NYC, will be enforced under the following guidelines.
 - * Only if the fire poses a clear and present danger to persons or property.
 - * Only with approval of ranking Officer.
 - * Summons must contain very specific language that demonstrates the danger posed by the open flame, including:
 - ~ The direction that the flame traveled.
 - ~ The number of persons or establishments threatened.
 - ~ The size of the flag.
 - ~ The proximity of ashes, smoke or flame to other persons or objects.
 - * Ranking Officer will assure that MOS makes detailed notes in his **ACTIVITY LOG** of the circumstances of the fire and the legitimate danger posed to persons or property.
 - * Ranking Officer will verify and sign **ACTIVITY LOG**.

TRUANTS
(PG 215-7)

WHEN A JUVENILE, AT LEAST 6 YEARS BUT LESS THAN 18 YEARS IS OBSERVED ON THE STREET DURING SCHOOL HOURS AND THERE IS PROBABLE CAUSE TO BELIEVE THAT HE IS A TRUANT:

- MOS**
- Deliver juvenile to principal or designee of school attended, if known.
 - * Truants may be frisked and handcuffed, if MOS believes that safety is in danger.
 - * If school is unknown, or delivery is impractical, deliver juvenile to the truancy intake site (IO 47 s.12).
 - **ACTIVITY LOG** entry.
 - Have principal or representative sign **ACTIVITY LOG & YOUTH REFERRAL**.
 - Complete **YOUTH REFERRAL** and deliver to Desk Officer.

NOTE: A juvenile who has not reached his 17th birthday at the beginning of the school year (starts July 1st), must attend school for the entire year even if he turns 17 during the school year.

PRECINCT OF OCCURRENCE

- DESK OFFICER**
- Review, sign and forward **YOUTH REFERRAL** to Precinct Youth Officer.
- YOUTH OFFICER**
- Make entry in **YOUTH REFERRAL REPORT LOG**.
 - **YOUTH REFERRAL** entries
 - * Precinct serial # from **LOG**
 - * Notification to parent/guardian on “Precinct of Residence Copy”
 - ~ Forward “Precinct of Residence Copy” to truant’s resident precinct youth officer if different from precinct of occurrence.
 - ~ Retain “Precinct of Occurrence” copy.

NOTE: School Safety Sergeant ensures Youth Officer makes above entries. If YO is absent, SS Sgt. makes them.

TRUANT’S RESIDENT PRECINCT

- YOUTH OFFICER**
- Investigate **REFERRALS** for truants residing within precinct except for those residing in NYC Housing Authority developments.
 - * If referred to PSA Youth Officer, document in “Results” caption that a photocopy of “Precinct of Residence Copy” was forwarded to PSA YO.

TRUANT RESIDENT PRECINCT OR PSA

- YOUTH OFFICER**
- Summarize investigation in “Results” caption of “Precinct of Residence Copy.”
 - * Submit completed REFERRALS to SOL for review.
 - * File REFERRALS alphabetically upon return from SOL.

ALL PRECINCTS

- SCHOOL SAFETY SERGEANT**
- **YOUTH REFERRAL REPORT LOG**
 - * Periodically inspect & sign for completeness & accuracy.
 - * Review to identify patterns/recidivists.
 - * Close at end of school year.
 - Notify Truancy Coordinator prior to conducting a large truancy operation.
 - Maintain regular contact with Community Affairs Bureau, Juvenile Data Analysis and Evaluation Unit to maximize resources, spot trends & share information.

JUVENILE REPORTS (PG 215-8)

The On-Line Juvenile Report System (*OLJRS*) works in conjunction with the OMNIFORM System. Therefore, a COMPLAINT REPORT WORKSHEET is prepared for children who are *at least 7 but less than 16 years of age* who:

- Commit an illegal act
- Engage in or are found under circumstances that may endanger their health or safety

In addition, a JUVENILE REPORT SYSTEM WORKSHEET or an OLBS ARREST WORKSHEET will be prepared according to the below chart.

Offense/Condition	Report Prepared
Felonies, Photographable Misdemeanors & Unlawful Assembly	OLBS
Violations	JR
Other Misdemeanors	JR or OLBS
Stranded, Runaway, Under influence of drugs/alcohol, Missing, In licensed premises, Bicycle infraction or PINS*	JR

* Prepare ON-LINE ARREST REPORT SUPPLEMENT WORKSHEET if PINS is *16 or 17*.

MOS - Notify Juvenile Desk if juvenile is removed to Department facility.

NOTE: Remove juvenile to Department facility from field if pedigree, address or guardian info cannot be verified.

- * Do not release from field without verification.

If juvenile is on school grounds, remove to a suitable location in school to verify ID.

- * If verification cannot be made, remove to Department facility if juvenile committed a **Crime**.
~ Confer with supervisor prior to removing juvenile from school.
- * Do not remove from school to Department facility if a **Violation** was committed but not a **Crime**.

DESK OFFICER / COUNTERPART - Review COMPLAINT REPORT WORKSHEET and JUVENILE REPORT SYSTEM WORKSHEET and sign.
* Forward to command Youth Officer.

YOUTH OFFICER - Input WORKSHEETS into OLJRS, utilizing OMNIFORM System within **24 hours** of report.

SCHOOL SAFETY / SERGEANT - Review and sign-off on pending JUVENILE REPORT SYSTEM WORKSHEETS utilizing OLJRS *daily*.
- Audit JUVENILE and COMPLAINT REPORT WORKSHEETS *weekly*.
* Utilize the OMNIFORM System to ensure that JUVENILE REPORT SYSTEM WORKSHEET was not completed in error, i.e., prepared in an arrest situation.
- Approve on-line follow-up investigation utilizing the Juvenile Follow-up Investigation application within **2 weeks** of report, if possible, for juveniles who reside within command.

PRECINCT COMMANDING OFFICER - Review investigation of JUVENILE REPORT by youth officer.

NOTE: Commanding Officers of Transit Districts and PSAs which do not have Youth Officers or School Safety Sergeants will designate MOS of appropriate ranks to perform those functions.

ANNUAL PURGE

Once a year, purge records as follows:

- * All unfounded, unsubstantiated, complaint withdrawn cases.
- * **JUVENILE** and **COMPLAINT REPORT WORKSHEETS** of all youths who have reached their *17th birthdays*.
- * **YOUTH REFERRALS** of all youths who have reached their *17th birthdays* except **REFERRALS** prepared for *17-year olds*, which will be purged after their *18th birthdays*.

NOTE: Only uniformed MOS and other Police Officers are authorized to issue **JUVENILE REPORTS**.

- * Others, including peace officers, are entered on **COMPLAINT REPORT WORKSHEET** under caption “*REPORTER/WITNESS.*”.

Juvenile records or info they contain may not be disseminated to any person or agency outside NYPD.

Questions re: OLJRS can be directed to the Crime Analysis and Program Planning Section of the Office of Management Analysis and Planning during business hours.

- * At other times or questions re: hardware/software can be directed to MISD Help Desk.

OFFENSE BY CHILD UNDER 16 (OTHER THAN JUVENILE OFFENDER)
(PG 215-9 & 12)

- MOS:**
- Notify the Desk Officer if a child *under 16* commits an offense.
 - Call **Juvenile Desk** before beginning arrest process for:
 - * Intelligence to determine whether to release juvenile
 - * Return date, if released
 - * Additional resources to be notified or dispatched
- DESK OFFICER:**
- OFFICER**
- Direct issuance of a
 - * **COMPLAINT REPORT WORKSHEET**
~ For all offenses.
 - * **OLBS ARREST REPORT WORKSHEET** ~ For Felonies, Photographable Offenses and Unlawful Assembly.
 - * **JUVENILE REPORT SYSTEM WORKSHEET**
~ For Violations
 - * **ARRERST OR JUVENILE REPORT WORKSHEET**
~: For other Misdemeanors per Desk Officer
 - * **YOUTH REFERRAL REPORT:** Truancy
 - Have parent/guardian notified.
 - * When questioning juvenile, juvenile and parents/guardian (*if present*) will be advised of constitutional rights, utilizing **MIRANDA WARNINGS FOR JUVENILE INTERROGATIONS.**
 - * No questioning, if parent objects or requests attorney.
 - Confer with Youth Officer and Precinct Detectives when a group of juveniles is involved in same incident.

GENERAL ARREST RULES

- COURT NOT IN SESSION – After processing at the Station House, may be released on an Appearance Ticket (*Recognizance to parent*) or lodged at **Horizon [10 15 s.11]** Juvenile Center.
- COURT IN SESSION - May go to court or released at Station House on an Appearance Ticket. (*However, child MUST go to court without delay if charged with a Designated Felony unless necessity to interrogate at station house.*)

- Detain Juvenile in location designated for interrogation.
 - * Have a female present if child is a female.

NOTE: MOS will prepare **JUVENILE ARREST-INVESTIGATION/ PROBATION INTAKE REPORT** to indicate the steps taken to notify parents/guardian. A copy goes to **Horizon** Juvenile Detention Center with the juvenile. The original goes with other arrest papers to the ADA or Corporation Counsel. (*Attach FINEST printout*).

NOTE: A civilian complainant will be informed that his/her presence is required at Family Court, Probation Intake area, regardless of whether or not a Supporting Deposition was prepared. Also, provide complainant with **JUVENILE DELINQUENT ARREST COMPLAINANT'S NOTIFICATION TO APPEAR** (*whether or not juvenile is remanded*).

- In all non-Juvenile Offender cases, fax paperwork to the Borough Court Section (*Attn. NYPD Family court Liaison Officer*).
 - * During business hours, call to verify receipt of reports.
 - * During non-business hours, attach fax transmittal receipt to court package.
 - * If juvenile is released on recognizance, in addition to faxing forms, the arresting officer brings forms to Family Court on return date.

RECORD CHECKS

- Juvenile Desk
 - * Prior police record
- Warrant Investigation/Juvenile Recidivist
 - * via **FINEST** System

AGE VERIFICATION

- Determine age by questioning juvenile or parents/guardian.
 - * Verify age by documentary proof, if available.
- If Juvenile's statement as to age conflicts with records maintained at **Horizon** Juvenile Center, ask to see the following forms at the Center:
 - * Family Court – Remand Order
 - * Family Court – Order Directing Detention of Respondent
 - * Criminal Court – Securing Order
 - * Supreme Court – Securing Order
- Juvenile Center will accept youth if the above records are:
 - * Not on file at Juvenile Center, or
 - * Inconclusive
- If court records establish over **16** at time of offense, process as adult.
- If Identity or age is in doubt:
 - * Fax or call **Project Confirm** personnel at ACS (*O.O. 49 s.01*).
 - * ACS will call back within **20 minutes** to advise:
 - ~ Whether youth was a client of ACS.
 - ~ Youth's ID, guardianship and residence.
 - * Desk Officer makes a **TELEPHONE RECORD** entry of:
 - ~ Name of person at **Project Confirm** notifying NYPD.
 - ~ Name of person and agency responding to command to take custody of youth.
 - ~ Estimated time of arrival at command.

NOTE: **Project Confirm** may also be utilized to obtain or verify info re: juveniles in the following situations:

- * Aided/Accident cases requiring notifications.
- * **JUVENILE REPORTS**, preparation of.
- * Missing or Runaways.

**REQUESTS FOR INFO FROM THE DEPT. OF EDUCATION IN
ACCORDANCE WITH FEDERAL NO CHILD LEFT BEHIND ACT
(PG 215-20)**

PURPOSE: To assist the NYC Dept. of Education (*DOE*) in determining whether a student is entitled to a “safety transfer” pursuant to the “No Child Left Behind Act.”

QUALIFYING INCIDENT

- Founded allegation of a crime committed on NYC Public School property in which the victim is a NYC Public School student, and:
 - * Serious physical injury
 - * Sex offense involving forcible compulsion
 - * Any offense involving use or threatened use of a Deadly Weapon

UPON RECEIPT OF A REQUEST TO CONFIRM THAT A QUALIFYING INCIDENT HAS OCCURRED AT A NYC PUBLIC SCHOOL FROM THE SCHOOL’S PRINCIPAL OR AUTHORIZED DESIGNEE:

MOS RECEIVING REQUEST - Hand-deliver or personally relate request to precinct School Safety Sergeant (*SSS*).
 * If *SSS* is not available, deliver to Precinct Commander or designee who will perform duties of *SSS*.

SCHOOL SAFETY SERGEANT - Confirm that request:
 * Was initiated by either the principal of the school where the incident occurred, or that principal’s designee
 * Provides the following:
 ~ Name and number of school
 ~ Date, time and location of incident(s)
 ~ Name(s) of victim(s)

NOTE: If the request does not meet above requirements, contact principal/designee to:
 * Obtain required info, or
 * Verify source of request

SCHOOL SAFETY SERGEANT - If proper info is given re: an authorized request, consult Department resources in the following order for the date of occurrence for reports naming the victim(s):
 * OLCS database or hard copies of **COMPLAINT REPORT WORKSHEETS**
 * **ON-LINE JUVENILE REPORT SYSTEM** database or hard copies
 * **SCHOOL SAFETY DIVISION CRIMINAL INCIDENT REPORTS**
 * **AIDED REPORT WORKSHEET**
 * Precinct Detective Squad
 * School Safety Division Operations Center

- Ascertain from report(s) and question assigned detective, if necessary, if incident was classified as unfounded.

- Upon conclusion of records search, prepare a report on **OFFICIAL LETTERHEAD**, addressed to individual making request.
 * Deliver original either by hand or mail to principal or designee.

- Notify principal or designee verbally re: results of search, no later than the next day that school is in session after initial request was made.
 * Record personal and mail notifications in **ACTIVITY LOG**.

- Maintain duplicate copies of reports in a secure location for future reference.

NOTE: In order to balance the need of the DOE and privacy rights, if the principal requests info beyond whether a qualifying incident has been reported, MOS will confer with both the detective assigned and the Deputy Commissioner, Legal Matters.

UTILIZATION OF THE JUVENILE DESK

(PG 215-21)

- The Juvenile Desk provides assistance and guidance **24/7** to MOS who arrest/detain juveniles, as follows:
 - * Query databases for juvenile arrest history, wanted status and possible locations
 - * Provide expertise regarding juvenile processing, case development and documentation

- Arresting Officers must notify the Juvenile Desk:
 - * Whenever juvenile is removed to command
 - * Change in status of juvenile, such as:
 - ~ DA changes that change JO to JD
 - ~ DA declines to prosecute
 - ~ Unable to make parental notification or release to parent/legal guardian/adult relative
 - ~ Any change that would amend Juvenile Desk’s previous recommendation (*e.g., juvenile misrepresented age or name*)

- Arresting Officers document the Juvenile Desk Intake Log number, as follows:
 - * [**JUVENILE REPORT SYSTEM WORKSHEET**](#) or [**COMPLAINT REPORT WORKSHEET**](#)
 - * [**OLBS ARREST WORKSHEET**](#)
 - * [**ACTIVITY LOG**](#) (*results of conferral*)

NOTE: Juvenile Desk personnel make recommendations whether to remand or release juvenile on recognizance.

- * Final decision is made by supervisor at detention command, e.g., Desk Officer.
- * If Desk Officer does not follow Juvenile Desk recommendation, he/she must confer with Juvenile Desk Supervisor.
 - ~ If after conferral, the Desk Officer decides not to following the recommendation of the Juvenile Desk, the Commanding Officer of the command of detention will prepare a report on Typed Letterhead to the Assistant Commissioner, Juvenile Justice Division, explaining the reason for non-compliance. (*IO 50 s.12*)

NOTE: When School Safety Agents remove juveniles to a police facility for arrest processing or for issuance of [**JUVENILE REPORT WORKSHEETS**](#) and [**COMPLAINT REPORT WORKSHEETS**](#), SSA must:

- * Notify School Safety Division Operations Center prior to calling the Juvenile Desk.
- * Obtain SSD Operations Center serial number & enter it on a [**SSD CRIMINAL INCIDENT REPORT**](#), if appropriate.