

# POLICE DEPARTMENT CITY OF NEW YORK



## HIGHWAY DISTRICT INTOXILYZER 5000 EN I.D.T.U. PROCEDURAL GUIDE

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## **D.W.I. DETECTION AND ARREST**

The goal of the New York City Police Department is to effectively enforce D.W.I. laws and thereby reduce the number of accidents and fatalities caused by these drivers.

D.W.I. detection can be categorized into three phases. Each phase is a building block towards identifying the impaired driver.

### **Phase #1 - VEHICLE IN MOTION**



Observing the vehicle in motion begins when the officer first notices the vehicle, driver or both. Your attention may be drawn to the vehicle by such things as:

- ◆ A moving violation. (i.e. Speeding, unsafe lane changes, or disobeying pavement markings)
- ◆ An equipment violation. (i.e. Defective headlight/taillight, defective muffler)
- ◆ Unusual driving actions. (i.e. Weaving within a lane, moving at slower than normal speed, vehicle stopped in traffic lane for no apparent reason)
- ◆ Evidence of alcohol or drugs in vehicle (i.e. Open alcohol container, visible drug paraphernalia)
- ◆ Driver appearance (i.e. Face too close to windshield, gripping steering wheel tightly, staring straight ahead with fixed eyes)
- ◆ Inappropriate behavior (i.e. Throwing an object from vehicle, urinating at the roadside, arguing with other motorists).



Key visual cues indicating driver impairment include:

1. Turning with a wide radius
2. Straddling center or lane marker
3. Almost striking object or vehicle
4. Weaving
5. Braking erratically
6. Driving the wrong way on a one way street
7. Driving recklessly or aggressively



## **Phase # 2 - PERSONAL CONTACT**

Phase two involves the face-to-face observation and interview of driver.

*Note!* Phase two may take place without phase one. This may occur during a checkpoint, vehicle stop or when you have responded to the scene of an accident or disabled vehicle.

Face-to-face observation and interview of the driver allows the officer to use 3 senses to gather evidence of alcohol or drug influence:

- The sense of sight;
- The sense of hearing; and
- The sense of smell.

## **SIGHT**

There are a number of things you might observe during the interview that would be describable clues or evidence of alcohol or drug influence. Among them are:

- Bloodshot eyes;
- Soiled clothing;
- Fumbling fingers (i.e. dropping license);
- Alcohol containers;
- Drugs or drug paraphernalia;
- Physical coordination (i.e. swaying, unsteady, balance problems);
- Unusual actions (i.e. hiccuping, vomiting).

## **HEARING**

Among the things you might hear during the interview that would be describable clues or evidence of alcohol or drug influence are these:

- Slurred speech;
- Admission of drinking;
- Inconsistent responses;
- Abusive language;
- Unusual statements.

## **SMELL**

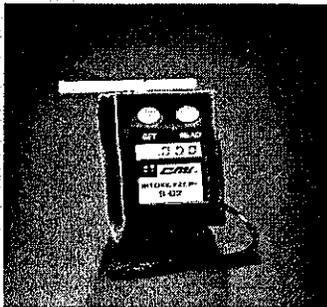
There are things you might smell during the interview that would be describable clues or evidence of alcohol or drug influence. Typically, these include:

- Open Alcoholic beverages;
- Marijuana;
- "Cover up" odors like breath sprays;
- Unusual odors.

## REQUIRED ABILITIES

Proper face-to-face observation and interview of the driver demands two distinct but related abilities:

- The ability to recognize the sensory evidence of alcohol or drug influence; and
- The ability to describe that evidence clearly and convincingly.



## Phase #3 - PRE-ARREST SCREENING

In the pre-arrest screening phase, your first task is to decide whether there is probable cause for arrest. Your decision involves careful review of each of the observations you have made. Conduct a "review" of the evidence collected during the vehicle in motion and personal contact phases. Your second task may be to administer an Alcosensor/Intoxilyzer test. The (P.B.T.) test is not mandated to affect a D.W.I. arrest.

### THE ALCOSENSOR/INTOXILYZER S-D2

**THIS TEST IS NOT TO BE THE SOLE BASIS OF ARREST. THERE MUST BE OTHER, CLEARLY OBSERVABLE EVIDENCE OF D.W.I.**

## Administering the Alcosensor/Intoxilyzer S-D2

To Operate: Press "READ" button and hold down for at least 10 seconds. The display should read ".002" or less. If a higher reading is shown, depress and lock "SET" button, wait 2 minutes, repeat ready check. If the display shows "L", the battery must be replaced. After receiving reading of ".002" or lower, depress and lock "SET" button.

Explain the test procedure to the subject prior to obtaining a breath sample.

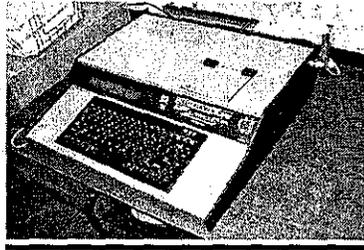
Request subject to take a deep breath and blow one continuous breath through the mouthpiece. The subject must blow strong enough to illuminate display light "A" and long enough to illuminate display light "B". When light "B" illuminates, press "READ" button, before exhalation ceases. Keep read button depressed until reading peaks. The highest value is the subjects breath alcohol concentration. . During testing, if lights "A" and "B" do not illuminate, the subject has not provided a satisfactory breath sample.

To Reset: Note final maximum reading, depress and lock "SET" button. If, as a result of a test, the display is higher than ".002" or less it will take several minutes to reset before the instrument can be used.



## POINTS TO REMEMBER

- ◆ Subject must be under the officers direct observation 20 minutes prior to administering Alcosensor/Intoxilyzer S-D2, to insure the elimination of "mouth alcohol," which can cause an exaggerated reading.
- ◆ Do not allow the subject to hold the instrument.
- ◆ Do not allow tobacco smoke to be blown through the mouthpiece.
- ◆ Store the unit with the "SET" button locked in the down position.
- ◆ Avoid subjecting the unit to extremes of temperature - storage in a coat pocket in hot or cold weather will help maintain the instrument in its optimum operating temperature range.
- ◆ Do not subject the instrument to severe mechanical shock.
- ◆ Use a new mouthpiece for every test.
- ◆ Subjects mouth should be free of all foreign matter.  
Ex. GUM, CHEWING TOBACCO AND FOOD



## **HIGHWAY DISTRICT I.D.T.U.** **PROCEDURAL GUIDE**

**Purpose:** To provide chemical testing for persons arrested for operating a motor vehicle while under the influence of alcohol or drugs.

**THIS GUIDE IS PREPARED TO ASSIST HIGHWAY DISTRICT I.D.T.U. TECHNICIANS IN PERFORMING INTOXICATED DRIVER EXAMINATIONS.**

**PRIOR TO ENTERING THE I.D.T.U. TESTING ROOM, ALL MOS MUST SECURE THEIR FIREARMS.**

### **I.D.T.U. ARRIVAL AT TESTING FACILITY**

#### **I.D.T.U. TECHNICIAN**

1. Make entry of arrival/departure in I.D.T.U. Log at testing facility. (Time of arrival at facility, Rank, Name and when resuming patrol)
2. Check the Intoxilyzer 5000 EN and verify that the "RED" led indicator light is on, and instrument is in "STANDBY" mode. (If light is not on activate instrument). Activate instrument by depressing the "GREEN" start test button (approximately 2 minute warm-up of instrument).

**THE INTOXILYZER 5000 EN RED ON/OFF BUTTON WILL NEVER BE TURNED OF BY THE I.D.T.U. TECHNICIAN.**

3. Check the printer and verify that there is enough paper in the printer to conduct examinations (If no paper in tray, technician will place paper in tray before starting test).

4. Ascertain the next available I.D.T.U arrest log number from the I.D.T.U. arrest log.
5. Verify that all equipment is operating properly (Intoxilyzer 5000 EN, Breathalyzer, Simulator or video equipment). If equipment is not functioning properly place out of service, indicate in the I.D.T.U. O/S log and notify the Highway District.
6. Direct arresting officer to prepare the I.D.T.U. Arresting Officers Report, Intoxicated Driver Examination (Sheet 1 & 2) and assist if necessary (If video officer is I.D.T.U. qualified he may assist the arresting officer)
7. Observe the prisoner (subject) for (20) minutes prior to testing and will insure that the subject did not have anything to eat, drink or smoke and did not, regurgitate or belch during the (20) minute observation period or during the test. If any of the above actions occur the technician must re-observe the subject for another (20) minute period, prior to administering the breath test.

**SMOKING IN THE TESTING FACILITY IS PROHIBITED AND ONLY ONE PRISONER IS ALLOWED IN THE TESTING FACILITY WHEN CONDUCTING EXAMINATIONS.**

### **CONDUCTING THE I.D.T.U. EXAMINATION**

**I.D.T.U.  
TECHNICIAN**

8. Prepare the Intoxicated Driver Examination Sheet (PD 244-154 AA) read the examinations in a clear and concise manner, exactly as it is written on the instruction sheet.
9. If the subject agrees to take, the test videotape coverage will be suspended until the instrument is ready to take breath sample.

**SUBJECTS WILL BE VIDEOTAPED GIVING A BREATH SAMPLE INTO THE INTOXILYZER 5000 EN.**

## CONDUCTING THE I.D.T.U. EXAMINATION

### **I.D.T.U. TECHNICIAN (continued)**

10. If the subject refuses to take the test or does not give a clear indication of his refusal, Part C of the Intoxicated Driver Examination Instruction Sheet must be read to the subject (If the subject refuses the breath test, the I.D.T.U. Technician must offer the subject the coordination exam).
11. If the defendant agrees to take the test, utilize the Arresting Officers Report IDTU (PD 213-151) and follow the Intoxilyzer 5000 EN operational checklist and initial each step that is performed.
12. When the subject has completed giving a breath sample or refused to do so offer the coordination exam.
13. Complete the data entry information into the Intoxilyzer 5000 EN.

**NOTE: IF THE INTOXILYZER 5000 EN BAC READING IS LESS THAN .05 OF .08 % AND THE SUBJECT STILL APPEARS TO BE INTOXICATED OR IMPAIRED, AND THE ARRESTING OFFICER BELIEVES THE SUBJECT IS IMPAIRED, READ THE HIGHWAY DISTRICT INTOXICATED DRIVER EVALUATION SECOND TEST (BLOOD/URINE) ANALYSIS FORM AND NOTIFY THE HIGHWAY DISTRICT THAT A DRE TECHNICIAN IS REQUIRED. IF THERE IS NO DRE WORKING, THE IDTU TECHNICIAN WILL TAKE THE URINE SAMPLE IF APPLICABLE.**

***IF THE SUBJECTS BAC READING IS ABOVE .30 % THE HIGHWAY DISTRICT I.D.T.U. TECHNICIAN WILL DIRECT THE ARRESTING OFFICER TO HAVE THE SUBJECT REMOVED TO THE HOSPITAL. SUBJECTS THAT HAVE A BAC READING OF .30 % CAN BECOME A MEDICAL CONDITION AND THE SUBJECT WILL BE REMOVED TO HOSPITAL.***



**POLICE DEPARTMENT ~ CITY OF NEW YORK  
HIGHWAY DISTRICT – I.D.T.U. ARREST  
REPORTS**

1. **INTOXICATED DRIVER EXAMINATION INSTRUCTION SHEET PD 244-154A** – Follow instructions on the examination sheet and perform the coordination exam exactly as it is written on the sheet. In addition, indicate on the sheet and on the I.D.T.U. Technicians Test Report the subjects performance on the coordination examination.
2. **I.D.T.U. TECHNICIANS TEST REPORT PD 321-149 (01-01)-RMU** – The I.D.T.U. Technician will prepare this report in his/her own handwriting. In addition to the required captions the I.D.T.U. Technician will indicate in the box captioned Comments/Observations: a complete description of the subject (i.e. physical description, clothing, identifying marks, glasses, shoes, etc). The Technician is required to sign the bottom portion of the report.
3. **ARRESTING OFFICERS REPORT – IDTU PD 213-151 (REV.01-01)-RMU** – Arresting Officer will prepare all the captions above the dotted line and I.D.T.U. Technician will utilize the Intoxilyzer 5000 operational checklist.
4. **INTOXICATED DRIVER EXAMINATION (Arresting Officer) PD 244-154 (Rev.01-01)-RMU** – Sheet number 1 and 2 will be prepared by the arresting officer. The I.D.T.U. Technician will assist the arresting officer and will review the form for accuracy and completeness (the video officer may assist the arresting officer if they are I.D.TU. qualified).
5. **CHEMICAL TEST ANALYSIS REPORT PD 244-063 (Rev.10-00)-Pent** – The I.D.TU. Technician will prepare the report in their own handwriting and indicate the analysis reading by *printing* and *signing* their name on the report.
6. **HIGHWAY DISTRICT INTOXICATED DRIVER EVALUATION SECOND TEST (BLOOD/URINE ANALYSIS) PD 321-147 (01-01) RMU** – Pent - The I.D.T.U. Technician will prepare this report when the BAC reading is less than .05 of .08 % and the subject still appears to be Intoxicated or Impaired blood/urine test will be conducted to determine the presence or absence of controlled substances. Technicians are required to call the Highway District and ascertain if a DRE is working and if one is available to respond to the testing facility.

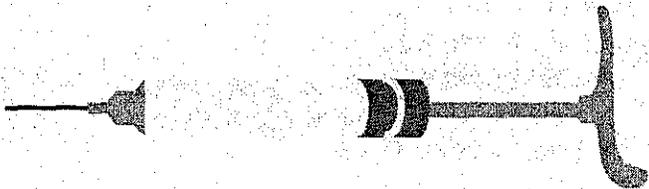


**POLICE DEPARTMENT ~ CITY OF NEW YORK  
HIGHWAY DISTRICT – I.D.T.U. ARREST  
REPORTS**

- 7. HIGHWAY DISTRICT – REQUEST FOR URINE EXAMINATION PD 321-146 (01-01)-RMU - Pent** Highway District Task Force I.D.T.U. Technicians are the only technicians authorized to take a urine sample from a subject. This form will be prepared by the Highway Technician and in addition, the urine will be transported to Highway Unit 3 stationhouse at which time the Desk Officer will secure the specimen in the refrigerator awaiting pickup by the laboratory. All captions in the Highway District Urine Log will be prepared as well as the invoices for chain of evidence to laboratory.

**URINE – Technicians should try to obtain two two samples from the subject. Secure the top of the specimen container and initial the specimen, place in the urine bag and seal properly.**

- 8. HIGHWAY DISTRICT NON- PERFORMANCE OF VIDEO TEST PD 321-148(01-01)- RMU - Pent** This report will be prepared when there is no video test performed during an I.D.T.U. examination.
- 9. REPORT OF REFUSAL TO SUBMIT TO CHEMICAL TEST DMV AA-134 –** Technician will prepare this report and distribute as indicated (Arresting officer must bring two (2) copies of the refusal to court and give them to the District Attorney when the complaint is drawn).



HIGHWAY DISTRICT  
REQUESTED TO RESPOND TO HOSPITAL WHEN A  
DEFENDANT IS INJURED AND IS POSSIBLE D.W.I.  
(BLOOD JOB).

**I.D.T.U.  
TECHNICIAN**

1. Ascertain the time of arrest and the location of the hospital prior to responding.
2. Respond to I.D.T.U. facility or the Highway Unit base **(BLOOD KITS WILL ALSO BE MAINTAINED AT THE HWY UNIT COMMANDS)** obtain a blood kit, and the next available I.D.T.U. arrest number and the following reports, Intoxicated Driver Examination Instruction Sheet, Chemical Test Analysis Report, Intoxicated Driver Examination (Arresting Officer), Arresting Officers Report -IDTU, IDTU Technicians Test Report, Report of Refusal to Submit to Chemical Test. In addition, the I.D.T.U. technician will respond to the IDTU facility upon completion of the blood job and enter the arrest information into the Intoxilyzer 5000. **(IF THE TECHNICIAN CANNOT DELIVER THE BLOOD SPECIMEN TO THE LABORATORY WITHIN THEIR TOUR OF DUTY, THE BLOOD SPECIMEN WILL BE DELIVERED TO THE HIGHWAY UNIT BASE AND THE DESK OFFICER WILL ASSIGN AN OFFICER TO DELIVER THE SPECIMEN WITH THE NEXT PLATOON AND TO ENTER THE ARREST INFORMATION INTO THE INTOXILYZER 5000 EN AT THE TESTING FACILITY).**
3. Read the Intoxicated Driver Instruction Sheet (ALL HIGHWAY UNIT I.D.T.U. TECHNICIANS WILL HAVE THE INSTRUCTION SHEETS WITH THEM WHEN TURNING OUT) in the presence of the arresting

officer, and hospital staff that may draw blood if consent is received. If subject refuses to give a blood sample, the job will be handled as a refusal to submit to a blood test.

4. Remove blood kit from outer box.
5. Open blood kit box (**REMOVE AND DISGARD THE NEW YORK STATE POLICE CRIME LAB, SUBMISSION FORM, THIS FORM IS NOT TO BE USED**).

#### **HOSPITAL PERSONNEL REMOVING BLOOD WILL PERFORM THE FOLLOWING PROCEDURES:**

##### **HOSPITAL PERSONNEL**

- a) Sterilization of the skin of the subject should be accomplished by utilizing a suitable antiseptic agent *other than alcohol or any antiseptic containing alcohol* (an antiseptic pad containing an iodine solution is included in the blood kit).
- b) A physician, nurse or laboratory technician will obtain (2) blood samples following the instructions provided in the blood kit titled "**INSTRUCTIONS FOR VACUTAINER SYSTEM BLOOD COLLECTION KIT**".

##### **I.D.T.U. TECHNICIAN (continued)**

6. Upon receiving the (2) samples from the hospital authorities the technician will thoroughly mix the blood samples by ***gently*** inverting, both tubes approximately twenty (20) times **DO NOT SHAKE.**
7. Fill in the (2) seals (Form 200-350) provided in the blood kit. In the space provided for No, indicate the I.D.T.U. arrest number.

8. Seal each tube by placing a seal (Form 200-350) over the stopper and wrapping the overhanging edges of the seal firmly down the side of the tube so that the specimen number of the seal can be read.
9. Replace the sealed tubes plus remainder of blood collection apparatus in the blood kit (plastic) box.
10. Fill in POLICE OFFICER'S REPORT on cover of (plastic box). Disregard the CHAIN OF POSSESSION entries.
11. Seal the blood kit (plastic) box with (4) INTEGRITY seals. Fill in captions "sealed by" and date.
12. After placing seals on plastic box, place into cardboard box.
13. Enter on outer (cardboard) box where it states "FROM" enter Rank, Name, Shield # and Command.
14. Voucher the blood kit at either the precinct of arrest or the precinct where the hospital is located. After the blood is vouchered, the I.D.T.U. technician will transport the blood to the Police Laboratory at 150-14 Jamaica Ave., Queens, N.Y. 11423 for analysis. (IF THE TECHNICIAN CANNOT TRANSPORT THE BLOOD WITHIN THEIR TOUR OF DUTY, THE BLOOD SPECIMEN WILL TRANSPORTED TO THE HIGHWAY UNIT BASE, AND THE DESK OFFICER WILL ASSIGN AN OFFICER TO DELIVER THE BLOOD WITH THE NEXT PLATOON.

**IF THE HOSPITAL AUTHORITIES REFUSE TO TAKE BLOOD, THE HIGHWAY DISTRICT I.D.T.U. TECHNICIAN WILL MAKE A MEMO BOOK ENTRY OF THE DOCTORS NAME, DATE AND TIME OF REFUSAL TO TAKE BLOOD. A NOTIFICATION WILL ALSO BE MADE TO THE DISTRICT ATTORNEYS OFFICE INDICATING THE HOSPITALS REFUSAL TO TAKE THE BLOOD SAMPLE; THE I.D.T.U. TECHNICIAN WILL BE GUIDED BY THE DISTRICT ATTORNEYS DECISION.**

## URINE

Bendiner and Schlesinger is the laboratory that processes all the I.D.T.U. arrests when urine is taken as evidence. Highway District and Task Force I.D.T.U. Technicians are the only members of the service authorized to take urine samples.

## PROCEDURES

Highway District I.D.T.U. Technicians when the subject has consented to give a urine sample after reading the Highway District Intoxicated Driver Evaluation Second Test (BLOOD/URINE ANALYSIS).

If the subject consents to give a urine sample, notify the Highway District and ascertain if a (DRE) Drug Recognition Expert is working. The Highway District Dispatcher will send the DRE to the testing facility.

### **I.D.T.U. TECHNICIAN**

1. Obtain latex gloves; secure (2) urine specimen containers and an evidence collection bag.
2. Take subject to the bathroom with the arresting officer; arresting officer will assist the Highway Technician in securing the bathroom (**NO CIVILIAN OR MEMBERS OF THE SERVICE ARE TO BE IN THE BATHROOM WHEN URINE IS REQUESTED FROM THE SUBJECT**).

**NOTE: WHEN TAKING URINE OR WHEN ESCORTING A PRISONER TO THE BATHROOM NO MEMBERS OF THE SERVICE OR THE I.D.T.U. TECHNICIAN ARE TO BE ARMED, ALL FIREARMS MUST BE SECURED.**

**IF THE SUBJECT IS A FEMALE, THE I.D.T.U. TECHNICIAN WILL HAVE A FEMALE OFFICER ASSIST IN OBTAINING THE URINE SPECIMEN. THE TECHNICIAN WILL RECORD THE OFFICERS RANK, NAME, SHIELD NUMBER AND COMMAND IN THEIR MEMO BOOK. THE TECHNICIAN WILL THEN FOLLOW THE FOLLOWING PROCEDURES.**

3. Highway I.D.T.U. Technicians will have the subject fill both the (2) urine specimen containers minimum half way if possible.

4. Upon receiving samples I.D.T.U. Technician will secure containers by twisting on top, tight and insuring that specimen containers are sealed.
5. Prepare the chain OF CUSTODY envelope as follows:
  - a) I, (***Print I.D.T.U. Technicians name***) then (***I.D.T.U. Technicians Signature***) provided a urine sample in a sealed container labeled with code number for SUBSTANCE ABUSE TESTING at (Time) on (date) to (collector will sign)
  - b) Bottle Sealed (check yes/no)
  - c) Place urine samples in CHAIN OF CUSTODY BAG and seal
  - d) (After sealing I.D.T.U. Technician will sign in collectors signature and date)
6. Technician will prepare the Highway District HIGHWAY DISTRICT – REQUEST FOR URINE EXAMINATION PD - Highway District I.D.T.U. Technicians and Task Force are the only technicians authorized to take a urine sample from a subject. This form will be prepared by the Highway Technician and in addition, the urine will be transported to Highway Unit 3 for processing. All captions in the Highway District Urine Log will be prepared as well as the invoices for chain of evidence to laboratory.
7. As of October 5, 1999, I.D.T.U. Technicians must prepare a drug and custody control form when submitting urine to the Highway District.

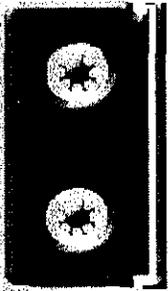
## URINE

**IDTU TECHNICIANS WILL PREPARE THE THE HIGHWAY DISTRICT DRUG AND CUSTODY FORM AS FOLLOWS.**

### **CAPTION NUMBER**

1. **DONOR NAME** = Defendants Last name, First name, Middle initial  
**ID OR SOC SEC #** = IDTU # @ Highway District Urine Control #  
*(From HD IDTU Urine Log)*
  
7. **COLLECTORS NAME- PRINT** = IDTU Technicians Last Name  
**COLLECTORS SIGNATURE** = IDTU Technicians Signature  
**COLLECTORS SITE LOCATION** = IDTU Location  
**DATE OF COLLECTION** = Date Urine Sample Obtained
  
9. **DATE** = Date Urine Sample Received  
**TIME** = Time of Urine Sample  
**RECEIVED BY** = Signature of Desk Officer

**I.D.T.U. Technician will staple the chain of custody form to the outside of the urine specimen transport bag, and part 6 (EMPLOYER COPY) will be placed in the Highway District administrative basket at the desk.**



# VIDEO TAPE

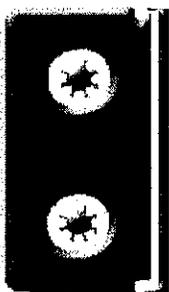
## I.D.T.U VIDEO TAPE PROCEDURES

HIGHWAY DISTRICT I.D.T.U. VIDEO TECHNICIANS WILL UTILIZE THE FOLLOWING PROCEDURES WHEN VIDEO TAPING INTOXICATED DRIVER ARRESTS.

### VIDEO RECORDING OPERATIONAL PROCEDURES

#### VIDEO TECHNICIAN

- 1) Obtain the next available "BLANK" videotape.
- 2) Remove the tape from the blank videotape case and enter the required information.
  - A) I.D.T.U. TEST NUMBER
  - B) READING (after result is obtained from I.D.T.U. Technician)
  - C) PRISONERS NAME (Last name, First name)
  - D) ARREST # (N/A if not available)
  - E) PRECINCT OF ARREST
  - F) I.D.T.U. TECHNICIANS NAME (Last name)
  - G) VIDEO TECHNICIANS NAME (Last name)
  - H) REMARKS (State if coordination test was performed)
- 3) Activate video equipment by turning on power. (Inspect equipment and ascertain that equipment is working properly- the monitor, camera, and VCR)
- 4) Place videotape into recorder. (Press rewind to rewind)



# VIDEO TAPE

## I.D.T.U VIDEO TAPE PROCEDURES

### VIDEO TECHNICIAN (continued)

- 5) Press **“RECORD”** and **“PLAY”** simultaneously when ready to begin taping. (Record light will illuminate to show recording is in progress).
- 6) If the subject indicates that they will submit to the breath test the video technician will pause the tape (after direction of the I.D.T.U. Technician that video tape coverage will be suspended).
- 7) Record the subject giving a breath sample into the Breathalyzer/Intoxilyzer 5000 EN.
- 8) Activate the videotape when the I.D.T.U. Technician indicates that he his ready to perform the coordination test.
- 9) Upon completion of the I.D.T.U. examination video, rewind tape, press ejects and place videotape into plastic case (Insure that all captions are filled in on videotape before securing tape).

**NOTE: ALL TAPES WILL BE TRANSPORTED BACK TO THE HIGHWAY UNIT COMMAND WHEN LEAVING THE I.D.T.U. FACILITY AND PLACED IN THE PROPER STORAGE BOX.**

- 10) Whenever video recording equipment is not working properly and placed out of service, the video technician will make a notification to the Highway District.

### ADDITIONAL DATA

- ◆ All subjects will be videotaped giving a breath sample into the Breathalyzer/Intoxilyzer 5000 EN as per Highway District Memo 23-18.
- ◆ At "**NO TIME**" should the videotape be erased or rewound once video recording has begun.
- ◆ When no videotape is performed for any reason the Desk Officer at the testing facility is required to witness the I.D.T.U. test (as per Patrol Guide Procedure 208-40).

COURTESY OF LAW OFFICES OF ADAM D. PERLMUTTER, P.C. - WWW.ADPLEGAL.COM



## **D.W.I. & RELATED OFFENSES**

### **FIELD TESTING (ALCOSENSOR/INTOXILYZER S-D2)**

Vehicle and Traffic Law Section 1194 (1) (b)

Any person operating a motor vehicle which has been involved in an accident or which is operated in violation of any of the provisions of this chapter shall, at the request of a police officer, submit to a breath test to be administered by the police officer. If such test indicates that such operator has consumed alcohol, the police officer may request such operator to submit to a chemical test in the manner set forth in subdivision two of this section.

## **D.W.I. CHARGES**

### **COMMON LAW D.W.I. SECTION 1194 (2) (a)**

Any person who operates a motor vehicle in this state shall be deemed to have given consent to a chemical test of one or more of the following: breath, blood, urine or saliva, for the purpose of determining the alcoholic and/or drug content of the blood provided that such test is administered by or at the direction of a police officer with respect to a chemical test of blood, at the direction of a police officer

**1192.1 V.T.L. (DRIVING WHILE ABILITY IMPAIRED)** – No person shall operate a motor vehicle while the persons ability to operate such motor vehicle is impaired by the consumption of alcohol. (.05% through .07%)

- First conviction (violation)
- Two convictions within 5 years is a (violation)
- Three convictions within a 10 years is a (misdemeanor)

**1192.2 V.T.L. (DRIVING WHILE INTOXICATED)** – No person shall operate a motor vehicle while such person has .08 of one per centum or more by weight of alcohol in the persons blood as shown by chemical analysis of such persons blood, breath, urine or saliva, made pursuant to the provisions of section 1194 of this article.

- First conviction (misdemeanor)
- Two convictions within 10 years is a (E felony)
- Three convictions within 10 years is a (D felony)

**1192.3 V.T.L. (D.W.I. Observation)** – No person shall operate a motor vehicle while in an intoxicated condition.

**1192.4 V.T.L (IMPAIRED BY DRUGS)** – No person shall operate a motor vehicle while the persons ability to operate such a motor vehicle is impaired by the use of a drug.

- First conviction (misdemeanor)
- Two convictions in 10 years (E felony)
- Three convictions in 10 years (D felony)

**1194.2 V.T.L (REFUSAL)** - Refusal to submit to a chemical test (Breathalyzer/Intoxilyzer 5000 EN)(violation)

**1192.A V.T.L. (ZERO TOLERANCE)** - No person under 21 years of age shall operate a motor vehicle after having consumed alcohol (.02% to .05% BAC)

## **The zero tolerance law (Patrol Guide Procedure 208-1)-**

This law permits a police officer to temporarily detain a motorist less than 21 years of age, for administering a chemical test, upon reasonable grounds to believe that an individual is operating a motor vehicle after consuming alcohol. The detainee must have a chemical test reading of .02% to .05% to be charged under the "zero tolerance law." This law involves a civil penalty, rather than a criminal charge. If the detainee submits to a chemical test and a reading of .06% or higher is obtained and the detainee is over 16 years of age, the detainee will be arrested and charged with intoxicated or impaired driving accordingly.

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## **VEHICLE AND TRAFFIC LAW SECTIONS** **REFERRING TO BLOOD**

### **Section 1194.4 (a) subparagraph (1) states:**

At the request of a police officer, the following persons may withdraw blood for the purpose of determining the alcoholic or drug content therein (i) a physician, a registered professional nurse or a registered physician's assistant; or (ii) under the supervision and at the direction of a physician: a medical laboratory technician or medical technologist as classified by civil service; a phlebotomist; an advanced emergency medical technician as certified by the department of health; or a medical laboratory technician or medical technologist employed by a clinical laboratory approved under title five of article five of the public health law. This limitation shall not apply to the taking of urine, saliva or breath specimen.

### **Section 1194.4 (a) subparagraph (2) states:**

No person entitled to withdraw blood pursuant to subparagraph one of this paragraph or hospital employing such person, and no other employer of such person shall be sued or held liable for any act done or omitted in the course of withdrawing blood at the request of a police officer pursuant to this section.

### **Section 1194.4 (a) subparagraph (3) states:**

Any person who may have cause of action arising from the withdrawal of blood as aforesaid, for which no personnel liability exists under subparagraph two of this paragraph, may maintain such action against the state if any person entitled to withdraw blood pursuant to paragraph (2) hereof acted at the request of a police officer employed by the state, or against the appropriate political subdivision of the state. No action shall be maintained pursuant to this subparagraph unless notice of claim is duly filed or served in compliance with law.

**Section 1194.4 (a) subparagraph (4) states:**

Notwithstanding the foregoing provisions of this paragraph an action may be maintained by the state or a political subdivision thereof against a person entitled to withdraw blood pursuant to subparagraph one of this paragraph or hospital employing such person for whose act or omission the state or the political subdivision has been liable under this paragraph to recover damages, not exceeding the amount awarded to the claimant, that may have been sustained by the state or the political subdivision by reason of gross negligence or bad faith on the part of such person.

**Section 1194.4 (a) subparagraph (5) states:**

The testimony of any person other than a physician, entitled to withdraw blood pursuant to subparagraph one of this paragraph, in respect to such withdrawal of blood made by such person may be received in evidence with the same weight, force and effect as if such withdrawal of blood were made by physician.

**Section 1194.4 (a) subparagraph (5) states:**

The provisions of subparagraphs two, three and four of this paragraph shall also apply with regard to any person employed by a hospital as security personnel for any act done or omitted in the course of withdrawing blood at the request of a police officer pursuant to a court order in accordance with subdivision three of this section.

**Section 1227 V.T.L. Consumption or possession of alcoholic beverages in certain motor vehicles.**

**(SEE OPERATIONS ORDER NUMBER 68, ISSUED 10-23-00 ON NEXT PAGE)**

**INTOXICATED DRIVER TESTING LOCATIONS**

Manhattan North	<b>28 Pct. -</b>	2271 8 <sup>th</sup> Ave.
Manhattan South	<b>7 Pct. -</b>	19 ½ Pitt St.
Bronx -	<b>45 Pct. -</b>	2877 Barkley Avenue
Queens North/South -	<b>112 Pct. -</b>	68- 40 Austin St.
Brooklyn North/South -	<b>78 Pct. -</b>	65 6 <sup>th</sup> Ave.
Staten Island -	<b>120 Pct. -</b>	78 Richmond Terrace

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**HWY DISTRICT INTOXILYZER 5000 EN**  
**QUESTIONS AND PROCEDURES**

<b>QUESTION</b>	<b>RESP LENGTH</b>	<b>RESPONSE MASK</b>
1. I.D.T.U. TEST #	8	ALPHA/NUMERIC/SEPARATOR
2. LAST NAME DEF	15	ALPHA
3. FIRST NAME DEF	15	ALPHA
4. MIDDLE INTIAL	2	ALPHA
5. REVIEW DATA	2	ALPHA
6. BREATH TEST Y/N	1	Y/N

**A) If YES proceed to test**

- ◆ If the subject cannot give a breath sample or refuses to give a sample, Read the Intoxicated Driver Instruction Sheet (PD 244-154A) and request the subject to give another sample.
- ◆ The subject will have two attempts to give a breath sample if after the second attempt the subject does not give a sample, Press the R key and then the enter key, the IDTU test will be conducted as a refusal.
- ◆ If the subject refuses to give a breath sample Press the R key and then the enter key, the IDTU test will be conducted as a refusal.

**B) If NO proceed to question 7,8,or 9**

7. REFUSAL Y/N	1	Y/N
----------------	---	-----

- A) Subject refuses to give a breath sample after reading the Intoxicated Driver Instruction Sheet (PD 244-154A) Press the R key and then the enter key, the IDTU test will be conducted as a refusal.**

8. BLOOD TEST Y/N	1	Y/N
-------------------	---	-----

- A) Subject is admitted or is going to be admitted to the hospital and request was or was not consented for a blood sample**

**9. URINE TEST Y/N**

**1**

**Y/N**

**A) Subject has consented to give a urine sample or the Intoxilyzer 5000 EN Bac reading is less than .05 of 1 % and appears to be intoxicated.**

**10. ADDITIONAL TEST REQUIRED Y/N**

**A) The subject has given a breath sample and the Intoxilyzer 5000 EN Bac reading is less than .05 of 1 % and the subject still appears to be intoxicated.**

- ◆ **If no proceed to next question**
- ◆ **If yes what test BLOOD or URINE Y/N**

11. STREET ADDRESS	20	ALPHA/NUMERIC
12. CITY, STATE	20	ALPHA
13. DOB-MMDDYY	6	VALID DATE
14. AGE	2	NUMERIC
15. SEX M/F	1	ALPHA
16. RACE W/B/H/O	1	W/B/H/O
17. DRIVER LIC #	20	ALPHA/NUMERIC
18. STATE OF ISSUE	2	ALPHA
19. OCCUR./PLACE	20	ALPHA/NUMERIC
20. OCCUR/TIME	4	NUMERIC
21. TIME OF ARREST	4	NUMERIC
22. CHECKPOINT Y/N	1	Y/N
23. PATROL Y/N	1	Y/N
24. A/O OBS Y/N	1	Y/N
25. CIVILIAN OBS Y/N	1	Y/N
26. ACCIDENT Y/N	1	Y/N

27. NUMBER KILLED	2	NUMERIC
28. NUMBER INJURED	2	NUMERIC
29. ADD.CHARGES Y/N	1	Y/N
30. TOP CHARGE	20	ALPHA
31. LAST NAME A/O	15	ALPHA
32. FIRST NAME A/O	15	ALPHA
33. TAX NUMBER	7	NUMERIC
34. SHIELD NUMBER	5	NUMERIC
35. COMMAND	3	NUMERIC (use cmd code)
36. SIMULATOR SER #	15	ALPHA/NUMERIC/SEPARATOR
37. STD SOL CONTL #	5	NUMERIC
38. LAST NAME OPER	15	ALPHA
39. FIRST NAME OPER	15	ALPHA
40. TAX NUMBER	7	NUMERIC
41. SHIELD NUMBER	5	NUMERIC
42. COMMAND	3	NUMERIC (use cmd code)
43. LAST NAME WIT OF	15	ALPHA
44. FIRST NAME WIT OF	15	ALPHA
45. SHIELD NUMBER	5	NUMERIC
46. COMMAND	3	NUMERIC (use cmd code)
47. FIELD TEST Y/N	1	Y/N
48. INST MAKE	11	ALPHA/NUMERIC/SEPARATOR
49. SCREENER SER #	6	ALPHA/NUMERIC/SEPARATOR

50. TIME OF TEST	4	NUMERIC
51. READING	4	NUMERIC
52. LOCATION FLD TEST	20	ALPHA/NUMERIC
53. VEHICLE SEIZED Y/N	1	Y/N
54. IF NO/WHY AND END TEST 11 *If yes go to (Next Question)		ALPHA
55. VEHICLE MAKE	15	ALPHA/NUMERIC/SEPARATOR
56. VEHICLE MODEL	15	ALPHA/NUMERIC/SEPARATOR
57. VEHICLE PLATE	8	ALPHA/NUMERIC/SEPARATOR
58. STATE OF VEHICLE	2	ALPHA

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# OPERATIONS ORDER

SUBJECT: <b>LEGISLATION REGARDING ALCOHOLIC BEVERAGES IN MOTOR VEHICLES</b>	
DATE ISSUED:	NUMBER:
<b>10-23-00</b>	<b>68</b>

1. Effective immediately, Vehicle and Traffic Law (VTL) Section 1227, "Consumption or Possession of Alcoholic Beverages in Certain Motor Vehicles," subdivision (1), has been amended to fully prohibit the possession of open containers of alcohol by either the driver or passenger of any motor vehicle located on a public highway. This prohibition of an open container of alcohol applies regardless of the driver's or passenger's intent to consume the alcohol and whether or not the vehicle is being driven. Any driver or passenger violating VTL Section 1227 (1) shall be guilty of a traffic violation.

2. Accordingly, a police officer merely observing an open container of alcohol in an unoccupied vehicle located upon a public highway (street) or right-of-way public highway will be authorized to issue a summons to the person(s) in possession of such container, driver and/or passenger, violating VTL Section 1227 (1).

3. The one exception to the open alcohol container provision of VTL Section 1227 (1) continues to be in effect. Persons in chauffeur driven passenger vehicles operated pursuant to a chauffeur license or permit issued by the NYS Department of Transportation or the U.S. Department of Transportation may continue to be in possession of open containers in their vehicles.

4. It should be noted that this legislation does not preclude a uniformed member of the Police from utilizing New York City Administrative Code Section 10-125, "Consumption of Alcohol on Public Streets Prohibited," under circumstances where occupants of a stationary vehicle are observed in possession of an open container of alcohol. However, a violator may not be summonsed under both the VTL and the Administrative Code for the same act.

5. Any questions regarding this order should be directed to the Legal Bureau at (212) 374-5400.

6. Commanding officers will ensure that the contents of this order are brought to the attention of members of their commands.

## DIRECTION OF THE POLICE COMMISSIONER

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NARC BORO BX	NARCBBX	730	
NARC BORO MN NORTH	NARCBMN	544	
NARC BORO MS	NARCBMS	750	
NARC BORO QNS	NARCBQN	541	
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NARC DIV NORTHERN MANH. INIT.	ND NMI	910	
NARC DIV SOUTHEAST QUEENS INIT	ND SEQI	912	
NARC.DIV.BK SOUTH INIT.	ND BKSI	897	
NARC.DIV.BRONX CENTRAL INIT.	ND BXCI	898	
NARC.DIV.CENTRAL HARLEM INIT.	ND CH I	913	
NARC.DIV.EAST HARLEM INIT.	ND.EH I	914	
NARC.DIV.QUEENS NORTH INIT.	ND Q/NI	899	
NARC.DIV.STATEN ISLAND INIT.	ND SI I	915	
NARCOTICS DIVISION OCCB	NAR DIV	367	
NYC DEPT OF INV SQD	DPT INV	202	
NYC JOINT BANK ROB T/F	JB/R/TF	571	
OFF MGMT ANALYSIS & PLANNING	O M A P	586	
OFF OF DIRECTOR OF TRAINING	DIR TRN	590	
OFF OF EQUAL EMPLOY OPRTY	OEE0	380	
OFF TECH & SYS DEV	O T S D	591	
OFF/CIV & STAFF DEV	OFF/CIV	503	(DORMANT COMMAND)
OFFICE OF LABOR RELATIONS	OFF/L R	587	
OFFICE SUPV CHIEF SURGEON	OFSCSRG	386	
ORGANIZED CRIME CONTROL BUREAU	O C C B	538	
ORGANIZED CRIME INVEST DIV	O C I D	539	
PATROL BORO BKLYN NORTH	PBBN	165	
PATROL BORO BKLYN NORTH T/F	PBBN TF	140	
PATROL BORO BKLYN SOUTH	PBBS	164	
PATROL BORO BKLYN SOUTH T/F	PBBS TF	139	
PATROL BORO BKN NO DIV 13	PBND13	713.	(DORMANT COMMAND)

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COMMAND LITERAL *****	COMMAND LIT *****	COMMAND CODE *****	
PATROL BORO BKN NO DIV 14	PBBND14	714	(DORMANT COMMAND)
PATROL BORO BKN NO DIV 15	PBBND15	715	(DORMANT COMMAND)
PATROL BORO BKN SO DIV 10	PBBSD10	710	(DORMANT COMMAND)
PATROL BORO BKN SO DIV 11	PBBSD11	711	(DORMANT COMMAND)
PATROL BORO BKN SO DIV 12	PBBSD12	712	(DORMANT COMMAND)
PATROL BORO BRONX	PBBX	163	
PATROL BORO BX DIV 07	PBBXD07	707	(DORMANT COMMAND)
PATROL BORO BX DIV 08	PBBXD08	708	(DORMANT COMMAND)
PATROL BORO BX DIV 09	PBBXD09	709	(DORMANT COMMAND)
PATROL BORO BX T/F	PBBX TF	138	
PATROL BORO MAN NORTH	PBMN	162	
PATROL BORO MAN NORTH T/F	PBMN TF	137	
PATROL BORO MAN SO DIV 01	PBMND01	701	(DORMANT COMMAND)
PATROL BORO MAN SOUTH	PBMS	161	
PATROL BORO MAN SOUTH T/F	PBMS TF	136	
PATROL BORO MN NO DIV 04	PBMND04	704	(DORMANT COMMAND)
PATROL BORO MN NO DIV 05	PBMND05	705	(DORMANT COMMAND)
PATROL BORO MN NO DIV 06	PBMND06	706	(DORMANT COMMAND)
PATROL BORO MN SO DIV 02	PBMSD02	702	(DORMANT COMMAND)
PATROL BORO MN SO DIV 03	PBMSD03	703	(DORMANT COMMAND)
PATROL BORO QN DIV 16	PBQND16	716	(DORMANT COMMAND)
PATROL BORO QN DIV 17	PBQND17	717	(DORMANT COMMAND)
PATROL BORO QN DIV 18	PBQND18	718	(DORMANT COMMAND)
PATROL BORO QNS NORTH T/F	PBQNT/F	170	
PATROL BORO QNS SOUTH T/F	PBQST/F	172	

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COMMAND LITERAL *****	COMMAND LIT *****	COMMAND CODE *****	
PATROL BORO QUEENS	PBQ	166	(DORMANT COMMAND)
PATROL BORO QUEENS NORTH	PBQ/N	169	
PATROL BORO QUEENS SOUTH	PBQ/S	171	
PATROL BORO QUEENS T/F	PBQN TF	141	(DORMANT COMMAND)
PATROL BORO S/I	PBSI	447	
PATROL BORO S/I DIV 19	PBSID19	719	(DORMANT COMMAND)
PATROL SERVICES BUREAU	P.S B	130	
PAYROLL SECTION	PAY SEC	355	
PBBN SCHOOL SAFETY	PBBN SS	785	
PBBN STREET CRIME UNIT	PBBN SC	187	
PBBS SCHOOL SAFETY	PBBS SS	784	
PBBS STREET CRIME UNIT	PBBS SC	186	
PBBX SCHOOL SAFETY	PBBX SS	783	
PBBX STREET CRIME UNIT	PBBX SC	183	
PBMN SCHOOL SAFETY	PBMN SS	782	
PBMN STREET CRIME UNIT	PBMN SC	182	
PBMS SCHOOL SAFETY	PBMS SS	781	
PBMS STREET CRIME UNIT	PBMS SC	181	
PBQN SCHOOL SAFETY	PBQN SS	787	
PBQN STREET CRIME UNIT	PBQN SC	184	
PBQS SCHOOL SAFETY	PBQS SS	786	
PBQS STREET CRIME UNIT	PBQS SC	185	
PBSI DET OPERS	PBSI DO	448	
PBSI SCHOOL SAFETY	PBSI SS	788	
PBSI TASK FORCE	PBSI TF	446	

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COMMAND LITERAL *****	COMMAND LIT *****	COMMAND CODE *****	
PENSION SECTION	PEN SEC	356	
PERSONNEL BUREAU	PER BUR	375	
PERSONNEL DATA UNIT	POS PDU	394	(DORMANT COMMAND)
PERSONNEL ORDERS SECTION	PB POS	393	
PHOTO UNIT	PHOTO-U	204	
PLANT MANAGEMENT UNIT	PLT MGT	370	
POLICE ACADEMY	POL ACD	384	
POLICE ACADEMY TRAINING UNIT	P A T U	552	
POLICE CADET CORPS UNIT	P C C U	383	
POLICE COMM OFFICE	P C O	500	
PRINTING SECTION	PRINTS	506	
PROGRAM BUDGET SECTION	PRG BUD	354	(DORMANT COMMAND)
PROPERTY CLERK DIV	PROPCLK	509	
PSB FISCAL ANALYSIS UNIT	PSB FAU	131	(DORMANT COMMAND)
PSB INVEST AND EVALUATION SECT	PSB IES	132	
PSB PROGRAM LIAISON SECTION	PSB PLS	133	(DORMANT COMMAND)
PSB RESOURCE MANAGEMENT SECT.	PSB RMS	127	
PUBLIC ED & RESOURCE LIAISON U	P.E.R.L	507	
PUBLIC INFORMATION DIVISION	P/INFO	525	(DORMANT COMMAND)
PUBLIC INQUIRY AND REQUEST SEC	PI&REQ	612	
QN CAREER CRIM INVEST UNIT	QN CCIU	224	(DORMANT COMMAND)
QNS CENTRAL BOOKING	QN C BK	589	(DORMANT COMMAND)
QNS COURT SECTION	QNS CT	585	
QUALITY ASSURANCE DIVISION IDC	QAD IDC	498	
QUARTERMASTER SECTION	QM SEC	365	

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COMMAND LITERAL *****	COMMAND LIT *****	COMMAND CODE *****	
QUEENS DET AREA CRIM ID UNIT	QDA CIU	312	
QUEENS NORTH NARCOTICS DIST.	Q/N-ND	542	
QUEENS ROBBERY SQUAD	QNROBSQ	347	
QUEENS SOUTH NARCOTICS DIST.	Q/S-ND	543	
QUEENS TRAFFIC TASK FORCE	TR/QTF	404	
RECRUITMENT SECTION	REC SEC	378	
REGIONAL INTELLIGENCE CT-HIDTA	INT RIC	317	
S.I. ST. CRIME SUPPRESSION UNIT	SI SCSU	437	
S.I. STRATEGIC NARC. & GUN TEAM	SNAG-SI	757	(DORMANT COMMAND)
S/I CRIMES VS PERSONS SQD	SI PERS	449	(DORMANT COMMAND)
S/I CRIMES VS PROPERTY SQD	SI PROP	439	(DORMANT COMMAND)
S/I DA SQUAD	DA S/I	444	
S/I EMERGENCY SERVICES	SI EMER	440	
S/I HIGHWAY PATROL	SI HWYP	442	
S/I NARC DISTRICT	SINARCD	756	(DORMANT COMMAND)
SAT DET OPS B/N	SATDOPS	904	
SAT HOUS OPS B/N	SATHOPS	902	
SAT NARC OPS B/N	SATNOPS	901	
SAT PAT OPS B/N	SATPOPS	903	(DORMANT COMMAND)
SCHOOL SAFETY DIVISION	SS DIV	780	
SCHOOL SAFETY INVEST UNIT	SS INV	789	
SPECIAL FRAUDS SQUAD	SP FRDS	212	
SPECIAL INV DIV	SP INV	216	
SPECIAL OPER. DIV. TAXI UNIT	SOD T/U	180	
SPECIAL OPERATIONS DIVISION	S O D	436	

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COMMAND LITERAL	COMMAND LIT	COMMAND CODE
*****	*****	*****
STAFF SERVICE SECTION	STAFFSV	379
STATEN ISLAND COURT SECTION	S.I. CT	443
STATEN ISLAND HOUSING UNIT	SIHU	441
STATEN ISLAND WARRANT SQUAD	SI WARR	434 (DORMANT COMMAND)
STOLEN PROPERTY INQUIRY SECT	S P I S	609
STRATEGIC & TACTICAL CMD B/N	SAT B/N	900
STREET CRIME UNIT	SC UNIT	128 (DORMANT COMMAND)
SUPPORT SERVICES BUREAU	S S B	562
SURFACE TRANSP. ENF. DIST.	TR/STED	405
TB HOMELESS OUTREACH UNIT	TB H/O	876
TC PARKING ENFORCEMENT DIST.	TC PED	881
TECH. ASSIST. & RESPONSE UNIT	T.A.R.U	505
TRAFF CONTROL BK INTERSECTION	TC BKIN	891
TRAFF CONTROL BK SUMMONS ENF.	TC BKSE	889
TRAFF CONTROL BX SUMMONS ENF.	TC BXSE	888
TRAFF CONTROL INTEL.UNIT	TC INTL	883
TRAFF CONTROL MAN INTERSECTION	TC MIN	890
TRAFF CONTROL MAN SUMMONS ENF.	TC MSE	886
TRAFF CONTROL QNS INTERSECTION	TC QIN	892
TRAFF CONTROL QNS SUMMONS ENF.	TC QSE	887
TRAFF CONTROL SI SUMMONS ENF.	TC SISE	438
TRAFF CONTROL TARGET TOW UNIT	TARGETOW	895
TRAFF CONTROL TOW OPERATIONS	TOW OPS	893 (DORMANT COMMAND)
TRAFF CONTROL VIOLATION TOW UT	TC VTOW	894
TRAFFIC CONTROL DIVISION	TRF CD	135

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COMMAND LITERAL *****	COMMAND LIT *****	COMMAND CODE *****	
TRAFFIC DIVISION	TRF DIV	400	(DORMANT COMMAND)
TRANSIT AUTHORITY LIAISON	TB LIAS	851	
TRANSIT BORO BKLN TASK FORCE	TB BKTF	875	
TRANSIT BORO BRONX	TB BX	857	
TRANSIT BORO BROOKLYN	TB BK	859	
TRANSIT BORO BX TASK FORCE	TB BXTF	873	
TRANSIT BORO MANH TASK FORCE	TB M/TF	872	
TRANSIT BORO MANHATTAN	TB MANH	856	
TRANSIT BORO QNS TASK FORCE	TB Q/TF	874	
TRANSIT BORO QUEENS	TB QNS	858	
TRANSIT BUR. CRIME ANALYSIS	TB C/AN	853	
TRANSIT BUR. INVEST. UNIT	TB INV	852	
TRANSIT BUR. SPEC. INV. UNIT	TB SIU	854	
TRANSIT BUR. SPEC. OPS. UNIT	TB SOU	879	
TRANSIT BUR. VANDAL UNIT	TB VAND	878	
TRANSIT BUREAU	TB	850	
TRANSIT BUREAU DISTRICT 1	TB DT01	860	
TRANSIT BUREAU DISTRICT 11	TB DT11	864	
TRANSIT BUREAU DISTRICT 12	TB DT12	865	
TRANSIT BUREAU DISTRICT 2	TB DT02	861	
TRANSIT BUREAU DISTRICT 20	TB DT20	866	
TRANSIT BUREAU DISTRICT 23	TB DT23	867	
TRANSIT BUREAU DISTRICT 3	TB DT03	862	
TRANSIT BUREAU DISTRICT 30	TB DT30	868	
TRANSIT BUREAU DISTRICT 32	TB DT32	869	

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COMMAND LITERAL *****	COMMAND LIT *****	COMMAND CODE *****	
TRANSIT BUREAU DISTRICT 33	TB DT33	870	
TRANSIT BUREAU DISTRICT 34	TB DT34	871	
TRANSIT BUREAU DISTRICT 4	TB DT04	863	
TRANSIT BUREAU OTHER	TB/OTR	880	(DORMANT COMMAND)
TRANSIT DIV. CANINE UNIT	TD CAN	877	(DORMANT COMMAND)
TRANSIT PATROL OPERATIONS	TD OPS	855	(DORMANT COMMAND)
TRANSPORTATION BUREAU	TRP BUR	845	(DORMANT COMMAND)
VICE ENFORCEMENT DIVISION	VICE ED	496	
VICE.ENF.DIV. BRONX	VED BX	492	
VICE.ENF.DIV. MANHATTAN NORTH	VED M/N	491	
VICE.ENF.DIV. MANHATTAN SOUTH	VED M/S	489	
VICE.ENF.DIV. QUEENS	VED Q	493	
VICE.ENF.DIV.BKLYN N SAT-COM	VE BK/N	495	
VICE.ENF.DIV.BROOKLYN SOUTH/SI	VE BSSI	494	
WARRANT SECTION	WARRSEC	580	
YOUTH DIVISION	YTH DIV	168	
001 DET SQUAD	001 DET	234	
001 PRECINCT	001 PCT	1	
001 SCHOOL SAFETY UNIT	001 SSU	908	
005 DET SQUAD	005 DET	235	
005 PRECINCT	005 PCT	5	
005 SCHOOL SAFETY UNIT	005 SSU	905	
006 DET SQUAD	006 DET	236	
006 PRECINCT	006 PCT	6	
006 SCHOOL SAFETY UNIT	006 SSU	906	

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COMMAND LITERAL *****	COMMAND LIT *****	COMMAND CODE *****
007 DET SQUAD	007 DET	237
007 PRECINCT	007 PCT	7
007 SCHOOL SAFETY UNIT	007 SSU	907
009 DET SQUAD	009 DET	238
009 PRECINCT	009 PCT	9
009 SCHOOL SAFETY UNIT	009 SSU	909
010 DET SQUAD	010 DET	239
010 PRECINCT	010 PCT	10
010 SCHOOL SAFETY UNIT	010 SSU	916
013 DET SQUAD	013 DET	240
013 PRECINCT	013 PCT	13
013 SCHOOL SAFETY UNIT	013 SSU	921
014 PCT-MIDTOWN SO. PCT	MTS PCT	14
017 DET SQUAD	017 DET	242
017 PRECINCT	017 PCT	17
017 SCHOOL SAFETY UNIT	017 SSU	917
018 PCT-MIDTOWN NO. PCT	MTN PCT	18
019 DET SQUAD	019 DET	245
019 PRECINCT	019 PCT	19
019 SCHOOL SAFETY UNIT	019 SSU	919
020 DET SQUAD	020 DET	246
020 PRECINCT	020 PCT	20
020 SCHOOL SAFETY UNIT	020 SSU	920
023 DET SQUAD	023 DET	248
023 PRECINCT	023 PCT	23

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COMMAND LITERAL *****	COMMAND LIT *****	COMMAND CODE *****
023 SCHOOL SAFETY UNIT	023 SSU	923
024 DET SQUAD	024 DET	249
024 PRECINCT	024 PCT	24
024 SCHOOL SAFETY UNIT	024 SSU	924
025 DET SQUAD	025 DET	250
025 PRECINCT	025 PCT	25
025 SCHOOL SAFETY UNIT	025 SSU	925
026 DET SQUAD	026 DET	251
026 PRECINCT	026 PCT	26
026 SCHOOL SAFETY UNIT	026 SSU	926
028 DET SQUAD	028 DET	252
028 PRECINCT	028 PCT	28
028 SCHOOL SAFETY UNIT	028 SSU	928
030 DET SQUAD	030 DET	253
030 PRECINCT	030 PCT	30
030 SCHOOL SAFETY UNIT	030 SSU	930
032 DET SQUAD	032 DET	254
032 PRECINCT	032 PCT	32
032 SCHOOL SAFETY UNIT	032 SSU	932
033 DET SQUAD	033 DET	258
033 PRECINCT	033 PCT	33
033 SCHOOL SAFETY UNIT	033 SSU	933
034 DET SQUAD	034 DET	255
034 PRECINCT	034 PCT	34
034 SCHOOL SAFETY UNIT	034 SSU	934

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COMMAND LITERAL *****	COMMAND LIT *****	COMMAND CODE *****
040 DET SQUAD	040 DET	263
040 PRECINCT	040 PCT	40
040 SCHOOL SAFETY UNIT	040 SSU	940
041 DET SQUAD	041 DET	264
041 PRECINCT	041 PCT	41
041 SCHOOL SAFETY UNIT	041 SSU	941
042 DET SQUAD	042 DET	265
042 PRECINCT	042 PCT	42
042 SCHOOL SAFETY UNIT	042 SSU	942
043 DET SQUAD	043 DET	266
043 PRECINCT	043 PCT	43
043 SCHOOL SAFETY UNIT	043 SSU	943
044 DET SQUAD	044 DET	267
044 PRECINCT	044 PCT	44
044 SCHOOL SAFETY UNIT	044 SSU	944
045 DET SQUAD	045 DET	268
045 PRECINCT	045 PCT	45
045 SCHOOL SAFETY UNIT	045 SSU	945
046 DET SQUAD	046 DET	269
046 PRECINCT	046 PCT	46
046 SCHOOL SAFETY UNIT	046 SSU	946
047 DET SQUAD	047 DET	270
047 PRECINCT	047 PCT	47
047 SCHOOL SAFETY UNIT	047 SSU	947
048 DET SQUAD	048 DET	271

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COMMAND LITERAL *****	COMMAND LIT *****	COMMAND CODE *****
048 PRECINCT	048 PCT	48
048 SCHOOL SAFETY UNIT	048 SSU	948
049 DET SQUAD	049 DET	259
049 PRECINCT	049 PCT	49
049 SCHOOL SAFETY UNIT	049 SSU	949
050 DET SQUAD	050 DET	272
050 PRECINCT	050 PCT	50
050 SCHOOL SAFETY UNIT	050 SSU	950
052 DET SQUAD	052 DET	273
052 PRECINCT	052 PCT	52
052 SCHOOL SAFETY UNIT	052 SSU	952
060 DET SQUAD	060 DET	282
060 PRECINCT	060 PCT	60
060 SCHOOL SAFETY UNIT	060 SSU	960
061 DET SQUAD	061 DET	283
061 PRECINCT	061 PCT	61
061 SCHOOL SAFETY UNIT	061 SSU	961
062 DET SQUAD	062 DET	284
062 PRECINCT	062 PCT	62
062 SCHOOL SAFETY UNIT	062 SSU	962
063 DET SQUAD	063 DET	285
063 PRECINCT	063 PCT	63
063 SCHOOL SAFETY UNIT	063 SSU	963
066 DET SQUAD	066 DET	286
066 PRECINCT	066 PCT	66

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COMMAND LITERAL *****	COMMAND LIT *****	COMMAND CODE *****
066 SCHOOL SAFETY UNIT	066 SSU	966
067 DET SQUAD	067 DET	287
067 PRECINCT	067 PCT	67
067 SCHOOL SAFETY UNIT	067 SSU	967
068 DET SQUAD	068 DET	288
068 PRECINCT	068 PCT	68
068 SCHOOL SAFETY UNIT	068 SSU	968
069 DET SQUAD	069 DET	289
069 PRECINCT	069 PCT	69
069 SCHOOL SAFETY UNIT	069 SSU	969
070 DET SQUAD	070 DET	290
070 PRECINCT	070 PCT	70
070 SCHOOL SAFETY UNIT	070 SSU	970
071 DET SQUAD	071 DET	291
071 PRECINCT	071 PCT	71
071 SCHOOL SAFETY UNIT	071 SSU	971
072 DET SQUAD	072 DET	292
072 PRECINCT	072 PCT	72
072 SCHOOL SAFETY UNIT	072 SSU	972
073 DET SQUAD	073 DET	295
073 PRECINCT	073 PCT	73
073 SCHOOL SAFETY UNIT	073 SSU	973
075 DET SQUAD	075 DET	296
075 PRECINCT	075 PCT	75
075 SCHOOL SAFETY UNIT	075 SSU	975

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COMMAND LITERAL	COMMAND LIT	COMMAND CODE
*****	*****	*****
076 DET SQUAD	076 DET	293
076 PRECINCT	076 PCT	76
076 SCHOOL SAFETY UNIT	076 SSU	976
077 DET SQUAD	077 DET	297
077 PRECINCT	077 PCT	77
077 SCHOOL SAFETY UNIT	077 SSU	977
078 DET SQUAD	078 DET	294
078 PRECINCT	078 PCT	78
078 SCHOOL SAFETY UNIT	078 SSU	978
079 DET SQUAD	079 DET	298
079 PRECINCT	079 PCT	79
079 SCHOOL SAFETY UNIT	079 SSU	979
081 DET SQUAD	081 DET	299
081 PRECINCT	081 PCT	81
081 SCHOOL SAFETY UNIT	081 SSU	981
083 DET SQUAD	083 DET	300
083 PRECINCT	083 PCT	83
083 SCHOOL SAFETY UNIT	083 SSU	983
084 PRECINCT	084 PCT	84
084 SCHOOL SAFETY UNIT	084 SSU	984
084TH DET SQUAD	084 DET	301
088 PRECINCT	088 PCT	88
088 SCHOOL SAFETY UNIT	088 SSU	988
088TH DET SQUAD	088 DET	302
090 PRECINCT	090 PCT	90

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COMMAND LITERAL *****	COMMAND LIT *****	COMMAND CODE *****
090 SCHOOL SAFETY UNIT	090 SSU	990
090TH DET SQUAD	090 DET	303
094 PRECINCT	094 PCT	94
094 SCHOOL SAFETY UNIT	094 SSU	994
094TH DET SQUAD	094 DET	304
100 PRECINCT	100 PCT	100
100 SCHOOL SAFETY UNIT	100 SSU	760
100TH DET SQUAD	100 DET	330
101 PRECINCT	101 PCT	101
101 SCHOOL SAFETY UNIT	101 SSU	761
101ST DET SQUAD	101 DET	331
102 PRECINCT	102 PCT	102
102 SCHOOL SAFETY UNIT	102 SSU	762
102ND DET SQUAD	102 DET	332
103 PRECINCT	103 PCT	103
103 SCHOOL SAFETY UNIT	103 SSU	763
103RD DETECTIVE SQUAD	103 DET	333
104 PRECINCT	104 PCT	104
104 SCHOOL SAFETY UNIT	104 SSU	764
104TH DET SQUAD	104 DET	334
105 PRECINCT	105 PCT	105
105 SCHOOL SAFETY UNIT	105 SSU	765
105TH DET SQUAD	105 DET	335
106 PRECINCT	106 PCT	106
106 SCHOOL SAFETY UNIT	106 SSU	766

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COMMAND LITERAL *****	COMMAND LIT *****	COMMAND CODE *****
106TH DET SQUAD	106 DET	336
107 PRECINCT	107 PCT	107
107 SCHOOL SAFETY UNIT	107 SSU	767
107TH DET SQUAD	107 DET	337
108 PRECINCT	108 PCT	108
108 SCHOOL SAFETY UNIT	108 SSU	768
108TH DET SQUAD	108 DET	338
109 PRECINCT	109 PCT	109
109 SCHOOL SAFETY UNIT	109 SSU	769
109TH DET SQUAD	109 DET	339
110 PRECINCT	110 PCT	110
110 SCHOOL SAFETY UNIT	110 SSU	770
110TH DET SQUAD	110 DET	340
111 PRECINCT	111 PCT	111
111 SCHOOL SAFETY UNIT	111 SSU	771
111TH DET SQUAD	111 DET	341
112 PRECINCT	112 PCT	112
112 SCHOOL SAFETY UNIT	112 SSU	772
112TH DET SQUAD	112 DET	342
113 PRECINCT	113 PCT	113
113 SCHOOL SAFETY UNIT	113 SSU	773
113TH DET SQUAD	113 DET	343
114 PRECINCT	114 PCT	114
114 SCHOOL SAFETY UNIT	114 SSU	774
114TH DET SQUAD	114 DET	344

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COMMAND LITERAL *****	COMMAND LIT *****	COMMAND CODE *****
115 PRECINCT	115 PCT	115
115 SCHOOL SAFETY UNIT	115 SSU	775
115TH DET SQUAD	115 DET	345
120 DETECTIVE SQUAD	120 DET	431
120 PRECINCT	120 PCT	120
120 SCHOOL SAFETY UNIT	120 SSU	995
122 DETECTIVE SQUAD	122 DET	432
122 PRECINCT	122 PCT	122
122 SCHOOL SAFETY UNIT	122 SSU	996
123 DETECTIVE SQUAD	123 DET	433
123 PRECINCT	123 PCT	123
123 SCHOOL SAFETY UNIT	123 SSU	997

THERE ARE 637 COMMANDS ON FILE  
99 OF THESE ARE DORMANT

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# PATROL GUIDE

Section: Arrests		Procedure No: 208-40	
<b>INTOXICATED OR IMPAIRED DRIVER ARREST</b>			
DATE ISSUED: 01/01/2000	DATE EFFECTIVE: 01/01/2000	REVISION NUMBER:	PAGE: 1 of 4

## PURPOSE

To process persons arrested for operating a vehicle while under the influence of alcohol or drugs.

## PROCEDURE

Upon arresting a person for operating a vehicle while under the influence of alcohol or drugs:

## ARRESTING OFFICER

1. Remove prisoner to stationhouse, precinct of arrest, and comply with pertinent arrest procedures.
  - a. Arresting officer will voucher, as evidence, any credit card receipts from a recent stop from restaurants, bars, etc., found on the prisoner during the search.

## DESK OFFICER PRECINCT OF ARREST

2. Verify arrest.
3. Direct arresting officer to request Communications Section to dispatch Highway District personnel to testing location.
  - a. State time of arrest when making request.

## NOTE

THE CHEMICAL TEST MUST BE ADMINISTERED WITHIN TWO (2) HOURS OF TIME OF ARREST.

## ARRESTING OFFICER

4. Prepare **ON LINE BOOKING SYSTEM ARREST WORKSHEET (PD244-159)**.

## DESK OFFICER PRECINCT OF ARREST

5. Direct arresting officer to remove prisoner, in a Department vehicle, to designated testing location.
  - a. Assign adequate personnel to escort prisoner, depending on circumstances.
6. Make entry in Command Log of:
  - a. Identity of arresting officer and Department vehicle used
  - b. Identity and pedigree of prisoner.
7. Have prisoner's vehicle removed to precinct of arrest for safeguarding.

## NOTE

*A vehicle may be released to licensed operator designated by the prisoner if:*

a. Vehicle not wanted on an alarm	c. Prisoner was in lawful possession
b. Vehicle not required as evidence	d. Vehicle not subject to forfeiture

*If vehicle is not released within forty-eight (48) hours, have vehicle removed to Property Clerk's storage facility.*

## ARRESTING OFFICER

8. Report, with prisoner, to desk officer at testing location.

## DESK OFFICER TESTING LOCATION

9. Make Command Log entry of presence of arresting officer and prisoner.
10. Verify that Highway District has been notified.

## ARRESTING OFFICER

11. Conduct examination of prisoner on three (3) copies of **INTOXICATED DRIVER EXAMINATION (PD244-154)** and complete entries up to caption "Coordination Test."

# PATROL GUIDE

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## IF LESS THAN TWO (2) HOURS HAVE ELAPSED FROM TIME OF ARREST

**I.D.T.U.  
TECHNICIAN**

12. Inform prisoner, with arresting officer as witness, of the following statement, verbatim:  
"You have been arrested for driving while intoxicated. I am here to conduct a chemical breath test to determine the presence or absence of alcohol in your blood. I now request that you submit to the chemical test of your breath. If you refuse to submit to the chemical test, or any portion thereof, it will result in the immediate suspension and subsequent revocation of your license or operating privilege whether or not you are found guilty of the charges for which you have been arrested. Your refusal to submit to a chemical test, or any portion thereof, can be introduced in evidence against you at any trial, proceeding or hearing resulting from this arrest."

## IF MORE THAN TWO (2) HOURS HAVE ELAPSED FROM TIME OF ARREST

**I.D.T.U.  
TECHNICIAN**

13. Inform prisoner, with arresting officer as witness, of the following statement verbatim:  
"You have been arrested for driving while intoxicated. I am here to conduct a chemical test to determine the presence or absence of alcohol or drugs in your blood. You may take the test or refuse to do so. Will you submit to a chemical test to determine the alcohol/drug content of your blood?"

**NOTE**

*If the prisoner indicates that he will consent to the chemical test, then the test may be administered.*

14. Administer chemical test to prisoner.
15. Conduct "Coordination Test" of prisoner, in presence of arresting officer, and complete appropriate captions on **INTOXICATED DRIVER EXAMINATION**.

**NOTE**

*In the event that the examination of the prisoner cannot be videotaped, the desk officer, testing location, will supervise the examination.*

16. Provide arresting officer with a copy of **CHEMICAL TEST ANALYSIS (PD244-063)**.
17. Enter results of examination of prisoner in appropriate captions of three (3) copies of **INTOXICATED DRIVER EXAMINATION** report.
  - a. Sign form and have arresting officer sign form.
  - b. Desk officer, testing location, will also sign form if examination was not videotaped.

**NOTE**

*If a prisoner, under the age of twenty-one (21), has a chemical test reading of .02% to .05%, the arresting officer and I.D.T.U. technician will comply with applicable provisions of P.G. 208-41, "Arrests - Person Under Twenty-One Operating A Motor Vehicle After Having Consumed Alcohol".*

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**I.D.T.U.  
TECHNICIAN  
(continued)**

18. Distribute **EXAMINATION** report as follows:
- ORIGINAL** - with arresting officer to Assistant District Attorney, Complaint Room.
  - COPY** - to arresting officer for file at precinct of arrest.
  - COPY** - to Highway District technician.

## IF PRISONER REFUSES CHEMICAL TEST OR ANY PORTION THEREOF

**I.D.T.U.  
TECHNICIAN**

19. Prepare and sign **CHEMICAL TEST REFUSAL (PD244-155)**.
- Have arresting officer sign **CHEMICAL TEST REFUSAL**.
20. Distribute copies of **CHEMICAL TEST REFUSAL** as indicated on form.
- Arresting officer must bring two (2) copies to court and give them to the Assistant District Attorney when the complaint is drawn.

**NOTE**

*If prisoner refuses to submit to chemical test or any portion thereof, maintain the initial charge for which the prisoner was arrested unless new evidence warrants a change in charge. Arresting officer must be able to articulate circumstances which led to original charge of Intoxicated or Impaired Driving. After arraignment, the court will forward to the arresting officer a **NOTICE OF SUSPENSION** and/or **NOTICE OF HEARING** form with instructions to appear at a designated date, time and place for a hearing, which will be within fifteen (15) days of the arraignment. Roll call will schedule the arresting officer accordingly.*

**DESK OFFICER  
TESTING  
LOCATION**

21. Enter chemical test reading as reported by arresting officer on the **ON LINE BOOKING SYSTEM ARREST WORKSHEET** under caption #11, "Narrative," and include:
- Rank, name and shield number of technician
  - Date and time test conducted.
22. Determine charge against prisoner and enter on **ON LINE BOOKING SYSTEM ARREST WORKSHEET**.

**NOTE**

*When chemical test reading is .05 of 1% or less, and prisoner still appears to be intoxicated request prisoner to submit to testing for controlled substances. If prisoner refuses, follow applicable steps in this procedure regarding chemical test refusal. P.G. 210-13, "Release of Prisoners - General Procedure" may be followed if investigation discloses prisoner is apparently not intoxicated or impaired.*

**ARRESTING  
OFFICER**

23. Deliver prisoner to borough court section facility or precinct of arrest as appropriate.
24. Notify Assistant District Attorney if prisoner has any previous arrests for same crime within the past ten (10) years.

**ADDITIONAL  
DATA**

### TESTING LOCATIONS

Patrol Borough Manhattan North and South	28 <sup>th</sup> Precinct
Patrol Borough Bronx	41 <sup>st</sup> Precinct
Patrol Borough Brooklyn North and South	78 <sup>th</sup> Precinct
Patrol Borough Queens	112 <sup>th</sup> Precinct
Patrol Borough Staten Island	120 <sup>th</sup> Precinct

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## ADDITIONAL DATA (continued)

*In arrest cases for Driving While Intoxicated/Impaired, where a vehicle accident is involved, a photocopy of the Police Accident Report (MV104AN) will be attached to the arrest papers and delivered by the arresting officer to the Assistant District Attorney in the Complaint Room. If photocopy machine is inoperable or out of order, an additional copy will be prepared for this purpose.*

*If a prisoner requests to consult with an attorney prior to submitting to a chemical test, he or she will be allowed such consultation provided it will not delay the administration of the test beyond the two (2) hour limit mandated by the Vehicle and Traffic Law, Section 1194. It should be noted that the obligation to allow contact with an attorney is triggered only by the defendant's specific request to do so. There is no obligation to inform the prisoner, prior to the test, that he may consult with an attorney if he or she wishes to. In addition, members of the service assigned to the Intoxicated Driver Testing Unit will record the prisoner's request to consult with an attorney and the reason, if any, for denial of said request in their **ACTIVITY LOG (PD112-145)**.*

*Members of the service should be aware that a motorist's license may not be suspended or revoked for failure to submit to a chemical test conducted more than two (2) hours after arrest. In addition the fact that the motorist refused to submit to chemical testing beyond the two (2) hour time limit may not be used as evidence in a later prosecution.*

*If a prisoner requests to be tested for intoxication by his personal physician, the test will not be allowed until the Department testing has been completed. If the prisoner refuses the administration of a chemical test by this Department he shall not be allowed to have a test be administered by his personal physician. The desk officer concerned will personally witness the test given by the physician and will direct that an entry be made in the "Narrative" section of the **ON LINE BOOKING SYSTEM ARREST WORKSHEET** and on the file copy of the **INTOXICATED DRIVER EXAMINATION**. The entry will include the name and address of the physician and the time and date the test was given. If the test is conducted at a detention or central booking facility, the desk officer thereat will make a telephone notification to the precinct of occurrence for the information of the arresting officer. When a prisoner arrested for Driving While Intoxicated/Impaired is hospitalized, normal arrest procedures will be followed and the Highway District technician will respond to the hospital to conduct appropriate tests. Any blood sample removed from the prisoner will be personally sealed, marked and delivered to the Police Laboratory by the Highway District technician. A prisoner charged with violation of Vehicle and Traffic Law, Sections 1192 (1), (2), (3) or (4) shall not be eligible for a Desk Appearance Ticket or stationhouse bail, unless such prisoner is hospitalized for more than twenty-four (24) hours. Such prisoner may be issued a Desk Appearance Ticket, if eligible, whether or not he submitted to a chemical test.*

## RELATED PROCEDURES

*Release Of Prisoners - General Procedure (P.G. 210-13)  
Arrests - Persons Under Twenty-One Operating A Motor Vehicle After Having Consumed Alcohol(P.G. 208-41)*

## FORMS AND REPORTS

***ACTIVITY LOG (PD112-145)**  
**CHEMICAL TEST ANALYSIS (PD244-063)**  
**CHEMICAL TEST REFUSAL (PD244-155)**  
**INTOXICATED DRIVER EXAMINATION (PD244-154)**  
**ON LINE BOOKING SYSTEM ARREST WORKSHEET (PD244-159)***



# PATROL GUIDE

Section: Arrests		Procedure No: 208-41	
<b>PERSONS UNDER TWENTY-ONE (21) OPERATING A MOTOR VEHICLE AFTER HAVING CONSUMED ALCOHOL</b>			
DATE ISSUED: 01/01/2000	DATE EFFECTIVE: 01/01/2000	REVISION NUMBER:	PAGE: 1 of 4

## PURPOSE

To process persons detained pursuant to Section 1192-a of the Vehicle and Traffic Law, for the purpose of administering a chemical test.

## SCOPE

Pursuant to Section 1192-a, police officers can temporarily detain a motorist younger than twenty-one (21) years of age, for the purpose of administering a chemical test upon reasonable grounds to believe that the individual is operating a motor vehicle after having consumed alcohol. The statute defines reasonable grounds as:

“The totality of the circumstances surrounding the incident which, when taken together, indicate that the operator was driving in violation of such subdivision (VTL 1192-a). Such circumstances may include any visible or behavioral indication of alcohol consumption by the operator, the existence of an open container containing or having contained an alcohol beverage in or around the vehicle driven by the operator, or any other evidence surrounding the circumstance of the incident which indicates that the operator has been operating a motor vehicle after having consumed alcohol at the time of the incident.”

## PROCEDURE

Upon detaining a person, under twenty-one (21) years of age, for operating a motor vehicle after consuming alcohol:

### DETAINING OFFICER

1. Inform detainee of authority and cause of detention, unless physical resistance, flight, or other factors render this action impractical.
2. Handcuff detainee with hands behind back.
3. Immediately frisk detainee for weapons (NOT for evidence or contraband).
4. Remove detainee to stationhouse, precinct of occurrence.

### DESK OFFICER, PRECINCT OF OCCURRENCE

5. Verify that detaining officer made a lawful stop of detainee and that detainee violated Section 1192-a of the Vehicle and Traffic Law.
6. Direct detaining officer to request that Communications Division dispatch Highway District personnel to testing location.
  - a. State time of detention when making request.

## NOTE

**THE CHEMICAL TEST MUST BE ADMINISTERED WITHIN TWO (2) HOURS OF THE START OF DETENTION.**

7. Direct detaining officer to remove detainee, in a Department vehicle, to the designated testing location. (See P.G. 208-40, “Arrests - Intoxicated Or Impaired Driving”).
  - a. Assign adequate personnel to escort detainee, depending on circumstances.
8. Make entry in Command Log of:
  - a. Identity of detaining officer and Department vehicle used.
  - b. Identity and pedigree of detainee.
9. Have detainee’s vehicle removed to precinct of occurrence for safeguarding.

# PATROL GUIDE

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## NOTE

*A vehicle may be released to licensed operator designated by the prisoner if:*

- a. *Vehicle not wanted on an alarm*
- b. *Vehicle not required as evidence*
- c. *Prisoner was in lawful possession*
- d. *Vehicle not subject to forfeiture*

*If vehicle is not released within forty-eight (48) hours, have vehicle removed to Property Clerk's storage facility.*

## DETAINING OFFICER

10. Report with detainee, to desk officer at testing location.

## DESK OFFICER, TESTING LOCATION

11. Make Command Log entry of presence of detaining officer and detainee.
12. Verify that Highway District has been notified.

## I.D.T.U. TECHNICIAN

13. Utilize Zero Tolerance Instruction Sheet, and perform chemical test on detainee.

### UPON RECEIPT OF A BREATHALYZER OR INFRARED UNIT READING OF .02% THROUGH .05%, COMPLY WITH THE FOLLOWING STEPS

## DETAINING OFFICER

14. Prepare Notice of Hearing (Operating a Motor Vehicle After Consuming Alcohol) (AA-137A.1).
15. Select a hearing date two (2) to thirty (30) days subsequent to the test date, Monday through Friday, excluding legal holidays.

## NOTE

*The hearing date must be compatible with the detaining officer's schedule. The detainee will be directed to respond to the second floor of 19 Rector Street, New York, New York at 1300 hours on the date selected by the detaining officer.*

*The detainee's license will not be suspended pending the administrative hearing.*

## I.D.T.U. TECHNICIAN

16. Provide the detaining officer and the detainee with a copy of the following:
  - a. Zero Tolerance Instruction Sheet
  - b. Instrument Calibration Sheet
  - c. Operator Certification Sheet
  - d. Notice of Hearing (Operating a Motor Vehicle After Consuming Alcohol).

## NOTE

*The detaining officer will bring a copy of all documents/forms, listed in step 16, to the hearing, unless the hearing is waived.*

17. Forward original and one (1) copy of all documents/forms prepared to the Highway District concerned.

## NOTE

*A member of the Highway District will forward original copy of all forms/documents prepared to the New York State Department of Motor Vehicles within twenty-four (24) hours, and will have remaining copies of documents/forms filed in command.*

### IF THE DETAINEE REFUSES THE CHEMICAL TEST

## DETAINING OFFICER

18. Prepare Notice of Chemical Test Refusal Hearing (Person Under Age 21) (DMV 137A) and Refusal to Submit to a Chemical Test (AA 134-a).
19. Select a hearing date two (2) to thirty (30) days subsequent to the test date, Monday through Friday, excluding legal holidays.

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**NOTE**

*The hearing date must be compatible with the detaining officer's schedule. The detainee will be directed to respond to the second floor of 19 Rector Street, New York, New York at 1300 hours on the date selected by the detaining officer.*

**DETAINING OFFICER**  
(continued)

20. Distribute copies of Notice of Chemical Test Refusal Hearing and Refusal to Submit to a Chemical Test as follows:
- a. Original and one (1) copy of each form to IDTU technician.
  - b. One (1) copy of each form to detainee.
  - c. One (1) copy of each form to detaining officer.

**I.D.T.U. TECHNICIAN**

21. Forward original and one (1) copy of Notice of Chemical Test Refusal Hearing and Refusal to Submit to a Chemical Test to the Highway District concerned.

**NOTE**

*A member of the Highway District will forward original copy of Notice of Chemical Test Refusal Hearing and Refusal to Submit to a Chemical Test to the New York State Department of Motor Vehicles within forty-eight (48) hours, and will file one (1) copy of each form in the command.*

*The detainee's license WILL BE suspended by the New York State Department of Motor Vehicles, pending the refusal hearing.*

IF THE DETAINEE SUBMITS TO THE CHEMICAL TEST AND A READING OF .06% OR GREATER IS OBTAINED, OR A READING OF .04% OR HIGHER FROM A COMMERCIAL DRIVERS LICENSE (CDL) HOLDER OPERATING A COMMERCIAL VEHICLE

**I.D.T.U. TECHNICIAN**

22. Advise the detaining officer of the reading.

**DETAINING OFFICER**

23. Arrest detainee and charge the individual with the appropriate Vehicle and Traffic Law section, based upon the reading obtained pursuant to the 1192-a Chemical Test.
24. Conduct inquiry to determine the location from which the detainee was served.
- a. If positive information received, notify the Intelligence Division and comply with P.G. 212-12, "Citywide Intelligence Reporting System."

**NOTE**

*In addition to the above requirements, the detainee/arrestee will be processed in accordance with current arrest processing procedures as well as P.G. 208-40, "Arrests - Intoxicated Or Impaired Driving."*

**ADDITIONAL DATA**

*Since an individual who violates this statute is detained rather than arrested, an individual who resists detention or attempts to escape a lawful stop would be subject to arrest for Obstructing Governmental Administration (Section 195.05 of the Penal Law [A Misdemeanor]) rather than Resisting Arrest.*

*If a detainee requests to be tested for intoxication by his personal physician, the test will not be allowed until the Department testing has been completed. If the detainee refuses the administration of a chemical test by this Department, he/she will not be allowed to have a test administered by a personal physician. The desk officer, testing location, will personally witness the test given by a physician and will direct that the detaining officer document the following information on the file copy of the Zero Tolerance Instruction Sheet: name, address, telephone number of physician, and the date and time the physician administered the test.*

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## ADDITIONAL DATA (continued)

*At the Department of Motor Vehicle hearing, the detaining officer must be able to provide clear and convincing evidence on the following issues:*

- a. *The motorist, who was detained, operated the motor vehicle.*
- b. *A valid request was made by the police officer to submit to a chemical test, as provided in Section 1194 of the Vehicle and Traffic Law.*
- c. *The motorist was under twenty-one (21) years of age at the time of the incident.*
- d. *The chemical test was properly administered in accordance with Section 1194 of the Vehicle and Traffic Law.*
- e. *The chemical test concluded that the motorist had operated the motor vehicle after having consumed alcohol, as defined in Section 1192-a of the Vehicle and Traffic Law.*
- f. *The initial stop of the motorist was lawful.*

*If the detaining officer fails to appear at the hearing or fails to bring copies of all documents/forms prepared, the charges against the motorist may be dismissed.*

*If a person operates a motor vehicle when his/her license is suspended or revoked as the result of a Section 1192-a finding, the motorist may be charged with Aggravated Unlicensed Operation in the Second Degree, Section 511(2) of the Vehicle and Traffic Law.*

*Absent an emergency, a hearing date should not be rescheduled. If it becomes necessary to reschedule a hearing, the detaining officer's command can request that the hearing be rescheduled by writing to the Department of Motor Vehicles, Safety and Business Hearing Bureau, Room 240, Empire Plaza, New York 12228, or the command may call the Safety and Business Hearing Bureau at (518) 474-1509.*

## RELATED PROCEDURES

*Release Of Prisoners - General Procedures (P.G. 210-13)  
Arrests - Intoxicated Or Impaired Driving (P.G. 208-40)*

## FORMS AND REPORTS

*NOTICE of HEARING (OPERATING a MOTOR VEHICLE AFTER CONSUMING ALCOHOL) (AA-137A.1)  
NOTICE of CHEMICAL TEST REFUSAL HEARING (PERSON UNDER AGE 21) (DMV 137A)  
REFUSAL to SUBMIT to a CHEMICAL TEST (AA 134-a)  
Instrument Calibration Sheet  
Operator Certification Sheet  
Zero Tolerance Instruction Sheet*



# PATROL GUIDE

Section: Arrests		Procedure No: 208-03	
<b>ARRESTS - GENERAL PROCESSING</b>			
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## PROCEDURE

After arrest has been effected and prisoner has been handcuffed:

## NOTE

*When a prisoner has surrendered at a law enforcement facility and is accompanied by an attorney, the uniformed member of the service may request authorization from the immediate supervisor not to use handcuffs, after the supervisor and the member have evaluated the following criteria:*

- a. *Potential threat to the officer, prisoner and other persons*
- b. *Possibility of the prisoner escaping.*

*As soon as practicable, attempt to discern if the person being arrested has a disability which may affect mobility, speech, hearing, or mental ability. Where possible, attempt to notify a family member or friend who may provide beneficial assistance regarding the prisoner's background information, previous problems, pedigree data, etc.. The arresting/investigating uniformed member of the service shall document all reasonable attempts to notify a relative or friend.*

## ARRESTING OFFICER

1. Immediately field search/frisk prisoner and search adjacent vicinity for weapons, evidence and/or contraband.
2. Advise prisoner of rights before questioning in accordance with P.G. 208-09, "Rights Of Persons Taken Into Custody."
  - a. If a juvenile is taken into custody, parents/guardians will be notified immediately.
  - b. When questioning juvenile, Miranda warnings should be read to the juvenile while the parent/guardian is present. The juvenile may be questioned if he/she waives the Miranda rights in the presence of the parent/guardian. The parent/guardian does not have to separately waive the Miranda rights; they only need to be advised of such rights. However, if the parent/guardian objects to the questioning or requests an attorney for the juvenile, no questioning should occur, even if the juvenile is willing to answer questions.
  - c. Juveniles will not normally be arrested for truancy. If arrested on another charge, truancy (Educational Law Section 3233) may be added as a second charge, if appropriate. In all cases, truants may be frisked or scanned with a metal detector. If safety dictates, truants may be handcuffed.

## NOTE

*When a prisoner and/or parents/guardians of a juvenile do not understand English, or are hearing impaired, the services of an interpreter may be obtained by contacting the Operations Unit. Appropriate Command Log entries will be made when such services are utilized.*

## DESK OFFICER

3. Have vehicle or other conveyance NOT REQUIRED AS EVIDENCE safeguarded, if appropriate.
4. Question the arresting officer regarding the use of force, if applicable.

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- DESK OFFICER 5.** Observe physical and mental condition of all prisoners entering command and include results in Command Log.  
(continued)
- a. Ensure that prisoners who appear to be ill, injured, or emotionally disturbed obtain appropriate medical/psychiatric attention. (See P.G. 210-04, "Prisoners Requiring Medical/Psychiatric Treatment")

## NOTE

*If the arrest is effected by an off duty uniformed member of the service, the desk officer must notify the commanding officer/duty captain who will respond to the stationhouse to determine the validity of the arrest and have an Unusual Occurrence Report prepared. If the arrest is effected by a member of another police agency, that agency will be notified.*

6. Direct arresting officer to make a thorough search of the prisoner in your presence.
- a. Have female prisoners searched, in all possible privacy, by a female police attendant or female police officer.
- b. Once a strip search is authorized, (see P.G. 208-05, "Arrests-General Search Guidelines" step one (1), subdivision "C") the desk officer, precinct of occurrence/central booking supervisor will ensure that the following entries are made in Department records:
- (1). Command Log entry - including the basis for the authorization of the strip search; rank, name and command of the officer requesting the search; name of the prisoner(s); identity of the member of the service performing the search; and, the results of the search, including negative results.
- (2). The supervisor authorizing such a search will ensure that the statement, "Strip Searched," is written on the ON LINE BOOKING SYSTEM ARREST WORKSHEET (PD244-159) in the "Narrative" section, and that the command and Command Log page number of the entry are included for reference.
- (3). Direct the arresting officer to prepare an ACTIVITY LOG (PD112-145) entry of the above information. Also, include on the "Prisoner Movement Slip" if prepared, the statement, "Strip Searched," with the command and Command Log page number of the entry in the "Detention Alert" section of the form under the sub-caption, "Other."
7. Direct arresting officer to inquire of prisoner whether a dependent adult/child is uncared for at prisoner's residence.
- a. Enter results of inquiry in Command Log.
8. Have the following property removed from prisoner:
- a. Unlawfully carried.
- b. Required as evidence.
- c. Lawfully carried, but dangerous to life or would facilitate escape.
- d. Can be used to deface or damage property.
- e. Personal, except clothing, if prisoner is intoxicated or unconscious.
- f. Press Card issued by this Department.

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## DESK OFFICER (continued)

- (1) Forward card to the Deputy Commissioner - Public Information, with report of facts.
- g. Auxiliary Police Shield, Civil Defense Shield/Identification Card.
  - (1) Forward report to the Auxiliary Police Section with report of facts.
- h. Legally possessed prescription drugs (including methadone).
  - (1) Invoice prescription drugs for safekeeping and place in plastic security envelope in prisoner's presence. Give pink copy of **PROPERTY CLERK'S INVOICE (PD521-141)** to the prisoner as a receipt.
  - (2) Prepare **MEDICAL TREATMENT OF PRISONER (PD244-150)** to alert detention facility personnel that prisoner may require a prescription drug.

### NOTE

*Invoiced drugs will be delivered to the borough Property Clerk in the normal manner. However, if the prisoner is to be released (stationhouse bail, desk appearance ticket, voided arrest, etc.) the aforementioned drugs will be returned to the prisoner at the stationhouse.*

- i. Pistol License
  - (1) Forward license to the Commanding Officer, License Division, with report of facts.

### NOTE

*When the holder of a pistol license is arrested, the pistol license and firearms(s) will be immediately seized and vouchered if they are:*

- a. *On the arrestee's body*
- b. *Within the arrestee's area of reach, or*
- c. *In plain view of the arresting officer(s) at the time of arrest.*

*If the pistol license and firearm(s) cannot be seized in the manner described above, the arrestee shall be advised that he must surrender said license and firearm(s) pursuant to License Division regulations, and shall be given an opportunity to surrender them voluntarily. If the license and/or firearm(s) cannot be obtained by consent, and there is probable cause to believe that they are in a particular location, a search warrant will be obtained prior to seizure of the license and firearm(s), unless exigent circumstances justify an immediate seizure. The supervisor assigned will make every effort to obtain the firearm(s) and pistol license either by consent or with a search warrant. The license, once obtained, will be forwarded with a report, to the License Division unless it is required as evidence.*

- j. Rifle/shotgun permit
  - (1) Forward permit to the License Division, Firearms Control Section.

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**NOTE**  
(continued)

*When the holder of a rifle/shotgun permit is arrested and charged with a felony, immediately seize and voucher the rifle/shotgun permit and firearm(s) if they are:*

- a. *On the arrestee's body*
- b. *Within the arrestee's area of reach, or*
- c. *In plain view of the arresting officer(s) at the time of arrest.*

*If the rifle/shotgun permit and firearm(s) cannot be seized in the manner described above, the arrestee shall be advised that he must surrender said permit and firearm(s) pursuant to License Division regulations, and shall be given an opportunity to surrender them voluntarily. If the permit and/or firearm(s) cannot be obtained by consent, and there is probable cause to believe that they are in a particular location, a search warrant will be obtained prior to seizure of the permit and firearm(s), unless exigent circumstances justify an immediate seizure. The supervisor assigned will make every effort to obtain the firearm(s) and rifle/shotgun permit either by consent or with a search warrant. The permit, once obtained, will be forwarded with a report to the License Division, Firearms Control Section, unless it is required as evidence.*

**DESK OFFICER**  
(continued)

9. Give itemized receipt for property temporarily removed from the prisoner which is not to be held in police custody.
10. Ask prisoner(s) if they want any personal property they possess to be vouchered for safekeeping.
  - a. A Command Log entry **MUST** be made indicating either the prisoner refused **OR** the **PROPERTY CLERK'S INVOICE** number for property safeguarded.

**NOTE**

*This requirement does not apply to property removed under steps 8 and 9.*

**ARRESTING OFFICER**

11. Request the assistance of the detective squad if the prisoner is arrested for homicide, serious assault, robbery, burglary, grand larceny, or other serious or unusual crime.

**NOTE**

*In all cases in which a youth is arrested and charged with a violent felony, the precinct detective squad/RAM will be directed to enhance the arrest. It will also be the responsibility of the precinct detective squad/RAM to identify, locate and apprehend any accomplices in gun-related cases or acts of youth violence and attempt to match them to other outstanding crimes. These units will also attempt to identify and apprehend those selling guns to minors.*

12. Prepare arrest related documents as provided by the arrest processing officer.

**NOTE**

*Comply with any applicable provisions of P.G. 208-15, "Arrest Report Preparation At Stationhouse."*

13. Provide complainant with prisoner's name, charges, arresting officer's name, precinct of occurrence, **PROPERTY CLERK'S INVOICE** number, if any, and the location of the appropriate court.

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## NOTE

*When the complainant is an eyewitness or other charges are involved, or a **DESK APPEARANCE TICKET (PD260-121)** is issued and the officer is not required to appear in court on the return date of the **DESK APPEARANCE TICKET**, a **SUPPORTING DEPOSITION WILL NOT BE PREPARED** and the complainant and witnesses will be directed to report to the appropriate District Attorney's Office in accordance with current processing procedures in each borough.*

## ARRESTING OFFICER (continued)

14. Advise prisoner of the right to make three (3) telephone calls within the City without charge or to make collect calls, outside the City, if toll charges are accepted.
  - a. Make telephone calls if the prisoner is incapacitated by alcohol and/or drugs.
15. Permit the prisoner to converse on the telephone, except where the ends of justice may be defeated or a dangerous condition may be created.
16. Notify relatives or friends if the prisoner is under nineteen (19) years of age, or is admitted to a hospital, or is apparently emotionally disturbed..

## NOTE

*If the prisoner appears to have a disability which may affect mobility, speech, hearing or mental ability, a reasonable attempt shall be made to notify a relative or a friend. All such attempts will be documented by the arresting or investigating uniformed member of the service.*

17. Prepare a **MISSING - UNIDENTIFIED PERSON REPORT (PD336-151)** and notify the precinct detective squad and the Missing Persons Squad, IF **UNABLE TO MAKE THE ABOVE NOTIFICATION**.
  - a. If the notification is made after preparation of the **MISSING - UNIDENTIFIED PERSON REPORT**, notify the detective squad and the Missing Persons Squad.
18. Comply with *P.G. 215-01, "Care Of Dependent Child"*, if it is determined that dependent adult/child is alone in prisoner's residence.
19. Deliver the following completed forms to the desk officer:
  - a. **ON LINE BOOKING SYSTEM ARREST WORKSHEET (PD244-159)**.

## NOTE

*Ensure that any graffiti tag and/or gang related nickname is entered in the "A.K.A./Nickname" caption on line 12, if applicable for any arrest.*

- b. **COMPLAINT REPORT WORKSHEET (PD313-152a)**, if appropriate.
  - (1) If the arrest is for a crime previously reported and recorded on a **COMPLAINT REPORT**, use the serial number assigned to the original **COMPLAINT REPORT**.

## NOTE

*Follow *P.G. 208-11, "Arrest Processing-Livescan Fingerprinting,"* immediately upon desk officer's review and approval of **COMPLAINT REPORT WORKSHEET**.*

- c. **PROPERTY CLERK'S INVOICE WORKSHEET (PD521-141A)** for evidence or other property taken into police custody.
  - (1) A separate **WORKSHEET** will be prepared for firearms, narcotics, or other property requiring analysis at the Police Laboratory.

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**ARRESTING OFFICER**  
(continued)

- d. **PROPERTY CLERKS' MOTOR VEHICLE/BOAT INVOICE WORKSHEET (PD571-147a)**, if required.
- e. **REQUEST FOR LABORATORY EXAMINATION (PD521-161)**, if required.
- f. **DESK APPEARANCE TICKET INVESTIGATION (PD360-081)**, if appropriate.
- g. **JUVENILE ARREST INVESTIGATION/PROBATION INTAKE REPORT WORKSHEET (PD277-151a)**, if appropriate.
  - (1) One (1) copy of TYPED REPORT will be forwarded with the arrest documents and distribute the remaining copies to the precinct youth officer, Youth Division, and juvenile detention facility, if juvenile is detained.

**NOTE**

See P.G. 208-21, "Arrests-FINEST Checks and NITRO Debriefing," if a **DESK APPEARANCE TICKET** is issued at the precinct of arrest. In addition, have the Computerized Investigation Card File queried by complying with P.G. 208-23, "Computerized Investigation Card System" in all arrest cases.

- h. **MEDICAL TREATMENT OF PRISONER**, if prepared.
  - (1) Prepare the form if the prisoner receives medical/psychiatric treatment or refuses treatment after claiming an injury or illness, already has previously treated prior injuries, is in apparent need of treatment or may require prescribed medication.
  - (2) If the prisoner is issued a **DESK APPEARANCE TICKET**, file the "Buff" copy of the **MEDICAL TREATMENT** form in a folder maintained at the desk of the precinct of arrest and forward the remaining copies of the form to Central Booking facility.

20. Deliver **ARREST DOCUMENTATION CHECKLIST (PD249-010)** and photocopies of the following Department forms to the desk officer in every case in which they are prepared:

- a. **ON LINE BOOKING SYSTEM ARREST WORKSHEET**
- b. **COMPLAINT REPORT WORKSHEET**
- c. **AIDED REPORT WORKSHEET (PD304-152b)**, both sides
- d. **ACTIVITY LOG** entries
- e. **PROPERTY CLERK'S INVOICES (District Attorney Copy)**
- f. **REQUEST FOR LABORATORY EXAMINATION**
- g. **SUPPORTING DEPOSITION**
- h. **STOP AND FRISK REPORT (PD344-151)**
- i. **O.C.C.B. BUY REPORT (PD321-152)**
- j. **SPRINT Incident Inquiry (from SPRINT)**
- k. **Order of Protection**
- l. **Photographs of evidence motor vehicles returned to owner (see P.G. 218-18, "Photographing Stolen Evidence Vehicles When An Arrest Is Made")**.

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## NOTE

To facilitate the duplicating of forms required in step 21, commanding officers will make photo copying machines accessible to arresting officers at all times. In those instances where snap-out forms have the District Attorney as a recipient of a copy of that form, a photocopy is not necessary. The District Attorney's copy of the form will be delivered to the desk officer. In arrests involving multiple **COMPLAINT REPORTS** or **AIDED REPORT WORKSHEET**, a copy of each report will be required. Separate forms with identical information are not required for multiple arrests with a single complainant or a single **AIDED REPORT WORKSHEET**.

**UNDER NO CIRCUMSTANCES WILL ARREST PROCESSING BE UNNECESSARILY DELAYED TO OBTAIN THE DOCUMENTS REQUIRED UNDER STEP 21.**

- DESK OFFICER** 21. Examine all forms to ensure completeness and accuracy and sign all forms as required.
- a. Review **ARREST DOCUMENTATION CHECKLIST** to ensure all forms prepared in connection with the arrest are available.
    - (1) Return **CHECKLIST** to arresting officer for delivery to the assistant district attorney in the Complaint Room or deliver in accordance with borough procedures.
22. Ascertain that the following entries are made:
- a. Statement that a prisoner, charged with criminal possession of a controlled substance with intent to sell or unlawful sale of a controlled substance, is a seller and indicate reasons for that conclusion in the narrative block of the **ON LINE BOOKING SYSTEM ARREST WORKSHEET**.
  - b. Names, addresses and telephone numbers of witnesses are entered on the **COMPLAINT REPORT** or the **COMPLAINT FOLLOW-UP (PD313-081)**, if prepared.
  - c. Statement on **PROPERTY CLERK'S INVOICE** that property (other than vehicle) is valuable, contains identifying marks, and that the Stolen Property Inquiry Section (S.P.I.S.) was notified, including the name and rank/title of the person at S.P.I.S. notified.
  - d. Information concerning alarms transmitted or cancelled, with operator's name entered on **COMPLAINT REPORT**, **PROPERTY CLERK'S INVOICE** and **PROPERTY INDEX (PD542-104)**, as required. State and police agency must be included if alarm is transmitted by other than a New York State agency. If no alarm transmitted, so state.
  - e. A hard copy of the **FINEST** screen containing the notification to S.P.I.S. is attached to the **COMPLAINT REPORT**, **COMPLAINT FOLLOW-UP**, **PROPERTY CLERK'S INVOICE** or **PROPERTY CLERK'S MOTOR VEHICLE/BOAT INVOICE**, whichever most accurately reflects the current status of a motor vehicle/boat/plate being reported stolen, recovered, etc.
  - f. Enter details of notification in Command Log (name, address, relationship) when prisoner is of unsound mind, under nineteen (19) years of age or is admitted to a hospital.

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## DESK OFFICER (continued)

- g. Enter in Command Log information concerning release of prisoner to member of Highway District to conduct required tests.
- h. Enter chemical test results on **ON LINE BOOKING SYSTEM ARREST WORKSHEET** under caption, "Narrative."
- i. Enter any change in the custody of the prisoner in the Command Log and notify borough Court Section for computer entry of new prisoner location.
- j. Document any other pertinent facts in the Command Log, including serial numbers of any forms prepared regarding arrest.
- k. Notify Court Section supervisor for computer entry when prisoner is admitted to a hospital (see *P.G. 210-02, "Hospitalized Prisoners"*).
  - (1) Record notification in Telephone Record.
- l. If a third telephone call is made by the prisoner, enter telephone number and identity of person called in the Command Log. Make a Command Log entry if the prisoner refuses telephone privileges.
- 23. Refer "FOA" cases (offenses not triable in New York City courts or violation of parole or probation) to detective squad.
- 24. Direct that "Have Arrested Message" is transmitted, if required.
- 25. Make notifications as required by *P.G. 208-69, "Notifications In Certain Arrest Situations."*
- 26. Request borough Court Section concerned to provide transportation **ONLY** when large numbers of prisoners must be transported or unusual circumstances dictate the use of a patrolwagon.
- 27. Return the following forms to the arresting officer for delivery to the assistant district attorney in the Complaint Room or deliver in accordance with borough procedures.
  - a. **ON LINE BOOKING SYSTEM ARREST WORKSHEET**
  - b. Fingerprint forms, if prepared
  - c. Copy of **DAT INVESTIGATION**, in every misdemeanor and violation case
  - d. Green (5th) copy of the **PROPERTY CLERK'S INVOICE** and/or **PROPERTY CLERK'S MOTOR VEHICLE/BOAT INVOICE**, if evidence has been vouchered
  - e. **SUPPORTING DEPOSITION**, if prepared
  - g. **MEDICAL TREATMENT OF PRISONER** form, if prepared
  - h. **JUVENILE ARREST - INVESTIGATION REPORT**, if prepared.
- 28. Make necessary entries in Command Log, Interrupted Patrol Log and **ROLL CALL**, when required, indicating arresting officer's time of departure to borough Court Section.
- 29. Deliver prisoner to borough Court Section or lodging location designated by borough Court Section concerned.
  - a. Inform borough Court Section supervisor if prisoner(s) was strip searched, including reason for and results of the search.

## ARRESTING OFFICER/ ESCORTING OFFICER

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- 30. Present all forms relating to arrest to the borough Court Section supervisor.
- 31. Comply with all directions of the borough Court Section supervisor.

## BOROUGH COURT SECTION SUPERVISOR

- 32. Examine all forms to verify completeness and accuracy.
- 33. Forward a complete set of **MEDICAL TREATMENT OF PRISONER** form, if prepared, with arresting/escorting officer to Department of Corrections see *P.G. 210-04, "Prisoners Requiring Medical/Psychiatric Treatment"*.
  - a. Arresting/escorting officer will obtain receipted pink copy of the form and return it to the borough Court Section facility.
- 34. Ensure that the computer generated Prisoner Movement Slip has a notation in the Detention Alert Section when a prisoner is violent, resists arrest, is emotionally disturbed, threatens or attempts suicide. When a prisoner has been strip-searched, enter that fact under "Other," in the Detention Alert Section. Include the command and Command Log page number for reference. A notation indicating that the prisoner has been strip-searched will also be made on the **PRISONER TRANSPORT DISPATCH (PD171-132)** for notification to the desk officer, precinct of detention.
- 35. Return the following arrest related documents to command for filing in Arrest Folder:
  - a. Arresting officer's copy of the Court Complaint
  - b. **ON LINE BOOKING SYSTEM ARREST WORKSHEET**
  - c. Arresting officer's copy of the **PROPERTY CLERK'S INVOICE** and/or **PROPERTY CLERK'S MOTOR VEHICLE/BOAT INVOICE**, if prepared.

## ARRESTING OFFICER

- 36. Bring all related papers to each subsequent court appearance.

## PRECINCT YOUTH OFFICER

- 37. Follow up on arrests of youths under sixteen (16) years of age.

## ADDITIONAL DATA

*To strengthen the prosecution of auto larceny cases, all uniformed members of the service will perform a license check through **FINEST**, using the "D.A.L.L." Format, on all defendants arrested for the following:*

- a. *Driving a stolen vehicle, OR*
- b. *Driving an auto with an altered Vehicle Identification Number (V.I.N.), OR*
- c. *Possession of stolen plates.*

*Arresting/assigned officers will notify the Assistant District Attorney drawing up the court complaint of all verbal and written statements made by the defendant and any procedures used by the police to assist a witness/complainant to identify the defendant. In addition, the arresting/assigned officer will make an appropriate entry of the notification in his/her **ACTIVITY LOG**.*

### OBSERVERS AT THE SCENE OF POLICE INCIDENTS

*As a rule, when a police officer stops, detains or arrests a person in a public area, persons who happen to be in or are attached to the area are naturally in position to and*

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## ADDITIONAL DATA (continued)

are allowed to observe the police officer's actions. This right to observe is, of course, limited by reasons of safety to all concerned and as long as there is no substantial violation of law. The following guidelines should be utilized by police officers whenever the above situation exists:

- a. A person remaining in the vicinity of a stop or arrest shall not be subject to arrest for Obstructing Governmental Administration (Penal Law, Section 195.05) unless the officer has probable cause to believe the person or persons are obstructing governmental administration.
- b. None of the following constitutes probable cause for arrest or detention of an onlooker unless the safety of officers or other persons is directly endangered or the officer reasonably believes they are endangered or the law is otherwise violated:
  - (1) Speech alone, even though crude and vulgar
  - (2) Requesting and making notes of shield numbers or names of officers
  - (3) Taking photographs, videotapes or tape recordings
  - (4) Remaining in the vicinity of the stop or arrest.
- c. Whenever an onlooker is arrested or taken into custody, the arresting officer shall request the patrol supervisor to the scene, or if unavailable, report the action to the supervisor where the person is taken.

This procedure is not intended in any manner to limit the authority of the police to establish police lines, e.g., crowd control at scenes of fires, demonstrations, etc.

## RELATED PROCEDURES

- Arrest Report Preparation At Stationhouse (P.G. 208-15)
- Arrest - General Search Guidelines (P.G. 208-05)
- Arrests - Security Measures (P.G. 208-06)
- Arrests - "Finest" Checks And "Nitro" Debriefing (P.G. 208-21)
- Prisoner Requiring Medical/Psychiatric Treatment (P.G. 210-04)

## FORMS AND REPORTS

- ACTIVITY LOG (PD112-145)
- ARREST REPORT SUPPLEMENT WORKSHEET (PD244-1516)
- MEDICAL TREATMENT OF PRISONER (PD244-150)
- ON LINE BOOKING SYSTEM ARREST WORKSHEET (PD244-159)
- PROPERTY CLERK'S INVOICE (PD521-141)



# PATROL GUIDE

Section: Arrests		Procedure No: 208-09	
<b>RIGHTS OF PERSONS TAKEN INTO CUSTODY</b>			
DATE ISSUED: 01/01/2000	DATE EFFECTIVE: 01/01/2000	REVISION NUMBER:	PAGE: 1 of 2

## PURPOSE

To advise persons taken into custody of their constitutional rights.

## PROCEDURE

Prior to questioning a person taken into custody:

## UNIFORMED MEMBER OF THE SERVICE

1. Inform such person of the following constitutional rights (Miranda Warnings):
  - a. You have the right to remain silent and refuse to answer any questions. Do you understand?
  - b. Anything you say may be used against you in a court of law. Do you understand?
  - c. You have the right to consult an attorney before speaking to the police and to have an attorney present during any questioning now or in the future. Do you understand?
  - d. If you cannot afford an attorney, one will be provided for you without cost. Do you understand?
  - e. If you do not have an attorney available, you have the right to remain silent until you have an opportunity to consult one. Do you understand?
  - f. Now that I have advised you of your rights, are you willing to answer questions?
2. Explain any portion of the rights that the person in custody does not understand.
  - a. If person in custody does not understand English, or requires the assistance of a sign language interpreter, request an interpreter from the Operations Unit.
3. Cease interrogation if subject wants an attorney or wishes to remain silent.
4. Contact attorney for person in custody.

## NOTE

*When questioning juveniles, both the juvenile and parent/guardian must be given the Miranda Warnings. The juvenile may be questioned if he/she waives these rights in the presence of the parent/guardian. The parent/guardian does not have to waive the rights, they need only be advised of such rights. If, however, the parent or guardian objects to the questioning or requests an attorney for the juvenile, no questioning should occur even if the juvenile is willing to answer questions.*

## DESK OFFICER/ SUPERVISOR CONCERNED

5. Inform prisoner of presence of attorney and ask if he wants to see the attorney.

## NOTE

*If an attorney states that he represents a prisoner but does not know the identity of the prisoner, he will not be permitted to interview him.*

6. Permit interview to be conducted in muster room for a reasonable time.
7. Assign uniformed member of the service to keep prisoner and attorney under continuous observation at all times. Ensure that no objects are passed between the prisoner and the attorney.

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DESK OFFICER/  
SUPERVISOR  
CONCERNED  
(continued)

8. Enter under "Details" of the **ON LINE BOOKING SYSTEM ARREST WORKSHEET (PD244-159)**:
- Name, address and phone number of attorney and identity of person who retained him
  - If interview was conducted
  - Time of attorney's arrival and departure.

IF INTERVIEW WAS CONDUCTED AT BOROUGH COURT SECTION FACILITY OR AT A PRECINCT OTHER THAN THE PRECINCT OF ARREST

DESK OFFICER/  
SUPERVISOR  
CONCERNED

- Notify the desk officer of precinct of arrest giving required information.
- Make a Command Log entry of interview and notification.
- Record information in the **ON LINE BOOKING SYSTEM ARREST WORKSHEET** or **ARREST REPORT - SUPPLEMENT (PD244-157)**.

IF A REQUEST IS RECEIVED FROM AN ATTORNEY SEEKING THE LOCATION OF A CLIENT WHO HAS BEEN ARRESTED AND IS IN CUSTODY OF THIS DEPARTMENT

MEMBER OF  
THE SERVICE  
CONCERNED

- Record contents of message in Telephone Record including:
  - Time, name, address and phone number of attorney, name of person arrested, and any other facts which may assist in locating prisoner.

**NOTE**

*If Telephone Record is not maintained in command, entry will be made as directed by commanding officer.*

- Request Communications Section to transmit **FINEST** message to all commands advising that the particular defendant is represented by counsel.

DESK OFFICER/  
SUPERVISOR  
CONCERNED

- Determine if prisoner is detained in stationhouse/Department facility.
- Direct interrogating officers concerned to cease interrogation and permit prisoner to contact attorney, if prisoner is located in precinct/Department facility.

**NOTE**

*A uniformed member of the service who has information concerning the whereabouts of the prisoner will communicate with the desk officer (or counterpart) of his command. The desk officer will notify the originator of the **FINEST** message.*

*Guidelines listed in steps 12 through 15 apply only in those situations where an attorney initiated an inquiry seeking to locate a client who was arrested and with whom he has had no prior contact in this arrest situation.*

FORMS AND  
REPORTS

**ON LINE BOOKING SYSTEM ARREST WORKSHEET (PD244-159)**  
**ARREST REPORT SUPPLEMENT (PD244-157)**



# PATROL GUIDE

Section: Arrests		Procedure No: 208-11	
<b>ARREST PROCESSING - "LIVESCAN" FINGERPRINTING</b>			
DATE ISSUED: 01/01/2000	DATE EFFECTIVE: 01/01/2000	REVISION NUMBER:	PAGE: 1 of 3

## PURPOSE

To set forth guidelines for the utilization of the "LIVESCAN" computer fingerprinting system.

## PROCEDURE

In all arrest situations whenever a prisoner is required to be fingerprinted, except bedside arraignment of a hospitalized prisoner, or a hospitalized prisoner who may be eligible for a Desk Appearance Ticket, utilize the "LIVESCAN" computerized fingerprinting system and:

## NOTE

To maintain a high quality of fingerprints, operation of the "LIVESCAN" machine should be performed by the command's designated arrest processing officer, if applicable; or a member of the service appropriately trained to operate the machine.

## ARREST PROCESSING OFFICER/ DESIGNATED MEMBER

1. Generate arrest number through the On Line Booking System (OLBS).
  - a. Ensure proper "ARREST PROCESSING TYPE" code is entered during On Line Booking System data entry.
2. Record the check digit that appears on the On Line Booking System terminal screen at the completion of the PF-3 data entries, onto the top right corner of the ON LINE BOOKING SYSTEM ARREST WORK SHEET (PD244-159).
  - a. Retrieve the arrest's check digit through the "BADS" computer system if the check digit was not recorded.

## NOTE

The check digit is necessary for operation of the "LIVESCAN" computerized fingerprinting system and subsequent transmission of fingerprints.

3. Immediately proceed to begin fingerprinting upon completion of On Line Booking System data entries (PF1/PF3), utilizing "LIVESCAN" machine as follows:
  - a. Ensure both the prisoner's hands and the scanner platens of the "LIVESCAN" machine are clean and dry.
    - (1) Use "Corn Huskers Lotion" to soften prisoner's fingertips, if excessively dry.
  - b. Enter arrest number with check digit into "LIVESCAN" computer.

## NOTE

Once arrest number (with check digit) is entered into the "LIVESCAN" computer, all pertinent arrest information is automatically downloaded to the "LIVESCAN" computer from original On Line Booking System data entries. If this information is not transferred to "LIVESCAN," information must be re-sent through "BADS" as follows:

- Select #1, "ARREST REPORT PRINTOUTS," from "BADS" main menu.
- Enter arrest number, when prompted.
- Move cursor to caption, "LIVESCAN RESEND," and mark field with an "X" and enter. (Message at bottom of screen will read, "RECORD HAS BEEN TRANSFERRED FOR LIVESCAN.")
- Return to "LIVESCAN" machine and restart process

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**ARREST  
PROCESSING  
OFFICER/  
DESIGNATED  
MEMBER  
(continued)**

- c. Fingerprint plain (flat) impressions of the four (4) fingers minus the thumb on large scanner platen and the thumbs on the small scanner platen and press "SCAN."
  - (1) The four (4) fingers of each hand must be placed on an angle on scanner platen, with special attention to the pinky finger.
  - (2) Press "SAVE," after plain impression has been completed and hand is removed from scanner platen.
- d. Fingerprint individual fingers on small scanner platen centering the core of each finger on the cross lines indicated on the left screen of the "LIVESCAN" machine.
  - (1) Ensure proper sequence as indicated by left screen prompts.
  - (2) Roll each finger to one side as indicated by direction arrows on "LIVESCAN" machine and press "SCAN."
    - (a) **INDIVIDUAL FINGERS MUST BE ROLLED.**
  - (3) Press "SAVE," after roll has been completed and finger is removed from scanner platen, if image is acceptable.
    - (a) Press "SCAN" which erases former image, if image is unacceptable, and print finger again.

**NOTE**

*Appropriate notations must be entered in "LIVESCAN" computer when fingers are unable to be adequately printed for any reason, (i.e., "MISS," "AMP," "INJ," "SCAR," etc.). This information is to be entered in designated fingerprint box. UNDER NO CIRCUMSTANCES IS A FINGERPRINT BOX TO BE LEFT BLANK.*

4. Check transmit queue of "LIVESCAN" computer to ascertain if prints are being transmitted, when completed.
  - a. The "ACTIVITY LOG" function displays a list of records transmitted for the previous seventy-two (72) hours.

**NOTE**

*Complete "LIVESCAN" processing of a prisoner should not exceed three (3) hours from the time of arrest, unless exigent circumstances exist.*

**DESK OFFICER/  
SUPERVISOR,  
ARREST  
PROCESSING  
SITE**

5. Direct arresting officer to immediately notify the borough Court Section supervisor concerned, if the prisoner refuses to be fingerprinted or is removed to the hospital, with arrest case information including:
  - a. Defendant's name
  - b. Defendant's arrest number
  - c. Defendant's fax control number, if available
  - d. Date/time of refusal or removal to hospital
  - e. Whether defendant has been fingerprinted; if taken to hospital, name of hospital and admission number (if applicable).
6. Authorize any "override" of "LIVESCAN" prints taken.
  - a. Make appropriate Command Log entries detailing the reasons for the override.

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## NOTE

*Overrides WILL ONLY BE DONE after four (4) attempts have been made to roll an acceptable print. When supervisor concurs that the rejected print is the best that can be taken (i.e., finger burnt, disfigured, etc.), the "LIVESCAN" operator will "ANNOTATE" the rejection (ADD NOTE), into the "LIVESCAN" computer system.*

*If "LIVESCAN" becomes inoperable, immediately notify the Management Information Systems Division (MISD) HELP DESK ((212) 374-3800), and if necessary, be guided by P.G. 208-12, "Alternate Procedures for Fingerprint Processing In The Event Of Computer Failure."*

## BOROUGH COURT SECTION SUPERVISOR

7. Immediately have appropriate "NOTEPAD" data entries and corresponding "UNARRAIGNED DISPOSITION" field entered into "OLPA" computer system, when notified that a prisoner refuses to be fingerprinted or is removed to the hospital.

## ADDITIONAL DATA

*The "LIVESCAN" machine should remain "ON" and the scanner covers of the machine "CLOSED," when not in use.*

*The "LIVESCAN" machine must be "recalibrated" at least once per tour to ensure that prints transmitted are acceptable to the Identification Section and the Division of Criminal Justice Services (i.e., not too dark or too light, etc.). Busy commands must "recalibrate" more frequently.*

*The "LIVESCAN" machine scanner platens must be cleaned after each prisoner is fingerprinted. The "LIVESCAN" machine is to be cleaned only with authorized cleaning materials, (i.e., "Windex with Ammonia D," "Lithopads"). These materials, in addition to "Corn Huskers Lotion," may be requisitioned from the Quartermaster Section.*

*If the "LIVESCAN" computer becomes inoperable because of damage to the machine, particularly to the scanner platen, the vendor will replace the damaged scanner platen and deliver it to the Management Information Systems Division. In circumstances in which there is suspicion of intentional damage, the desk officer will make an entry in the Command Log and initiate an investigation (see P.G. 202-14, "Desk Officer"). Any evidence of intentional damage to any machine will result in an immediate investigation and appropriate action.*

*Routine operational inquiries concerning "LIVESCAN" and the On Line Booking System should be directed to the borough Court Section concerned, twenty-four (24) hours, seven (7) days a week, OR the Criminal Justice Bureau at (212) 374-5305, during business hours.*

*Technical problems and "LIVESCAN" outages are to be referred to the Management Information Systems Division (MISD) HELP DESK at (212) 374-3800.*

## RELATED PROCEDURES

- Fingerprintable Offenses (P.G. 208-08)*
- Alternate Procedures For Fingerprint Processing Due To Computer System Failure (P.G. 208-12)*
- Hospitalized Prisoners (P.G. 210-02)*
- Prisoners Requiring Medical/Psychiatric Treatment (P.G. 210-04)*

## FORMS AND REPORTS

*ON LINE BOOKING SYSTEM ARREST WORKSHEET (PD244-159)*



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# PATROL GUIDE

Section: Arrests		Procedure No.: 208-15	
<b>ARREST REPORT PREPARATION AT STATIONHOUSE</b>			
DATE ISSUED: 01/01/2000	DATE EFFECTIVE: 01/01/2000	REVISION NUMBER:	PAGE: 1 of 3

**PURPOSE** To process an arrest at a stationhouse.

**PROCEDURE** When a uniformed member of the service is ready to process an arrest after completing the initial appearance before the desk officer:

- DESK OFFICER**
1. Direct arresting officer to remove prisoner to arrest processing area, or location in the stationhouse SPECIFICALLY DESIGNATED as suitable for interrogation of juveniles, as appropriate.
  2. Direct arrest processing officer, if available, to assist arresting officer.

**NOTE** The arrest processing officer will fingerprint prisoner (LIVESCAN) and assist the arresting officer by providing arrest related forms, taking photographs, and conducting necessary warrant checks.

- ARRESTING OFFICER**
3. IMMEDIATELY prepare ON LINE BOOKING SYSTEM ARREST WORKSHEET (PD244-159).
    - a. Ensure that COMPLAINT REPORT (PD313-152), PROPERTY CLERK'S INVOICE (PD521-141), etc., case numbers are indicated.

**DESK OFFICER** 4. Review for completeness and accuracy and sign ON LINE BOOKING SYSTEM ARREST WORKSHEET and return to arresting officer.

**ARRESTING OFFICER** 5. Have arrest number generated utilizing On Line Booking System PF1/PF3 data entry.

**NOTE** To correctly collate the different types of arrests that are processed, all arrests generated in the On-Line Booking System will use the following Arrest Processing Type codes when entering "PF1" data:

<u>CODE</u>	<u>TYPE OF ARREST BEING PROCESSED</u>
A	D.A.T. COMMUNITY COURT (MIDTOWN)
C	COMMUNITY COURT (MIDTOWN) ON LINE ARREST
D	DESK APPEARANCE TICKET
J	JUVENILE (NON FINGERPRINTABLE OFFENSES <u>ONLY</u> )
O	ON LINE ARREST
V	VOIDED ARREST

Personnel entering data into the On-Line Booking System must ascertain the correct "Arrest Processing Type" code for the type of arrest being processed before completing the "PF1" entry. (See "ADDITIONAL DATA for a glossary of these codes and the types of arrests they represent).

# PATROL GUIDE

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## ARRESTING OFFICER (continued)

- a. FAX completed **ON LINE BOOKING SYSTEM ARREST WORKSHEET** (with arrest number indicated,) to the borough Court Section/Assistant District Attorney, for on line arrests ONLY (videoconferencing, BLAP), in accordance with current processing procedures in each borough.
6. Have arrest processing officer fingerprint prisoner utilizing **LIVESCAN**.
7. With the assistance of the arrest processing officer:
  - a. Have photograph(s) of prisoner taken
  - b. Prepare other necessary forms, (e.g., **COMPLAINT REPORT, PROPERTY CLERK'S INVOICE**), etc.
  - c. Have any necessary warrant checks conducted.
  - d. Have Prisoner Movement Slip prepared/generated.
8. Request the desk officer to have the prisoner removed to appropriate prisoner intake area based on local guidelines.
  - a. Escorting officer must have Prisoner Movement Slip with photo and a copy of **ON LINE BOOKING SYSTEM ARREST WORKSHEET** with arrest number and check digit indicated.
9. Complete any additional arrest paperwork, as necessary.
10. Have desk officer review documents for completeness and accuracy.
11. Prepare affidavit based on the county District Attorney's method of preparation.

## ADDITIONAL DATA

### CODE      TYPE OF ARREST BEING PROCESSED AND EXPLANATION

- A* DESK APPEARANCE TICKET COMMUNITY COURT (MIDTOWN) used when a D.A.T. is issued and returnable to Midtown Community Court.
- C* COMMUNITY COURT (MIDTOWN) ON LINE ARREST used when a command processes an on line arrest to be arraigned in the Midtown Community Court.
- D* DESK APPEARANCE TICKET used when a command processes a Desk Appearance Ticket.
- J* JUVENILE (NON FINGERPRINTABLE OFFENSES ONLY) used to process juvenile delinquent arrests that are not fingerprintable offenses.
- O* ON LINE ARREST used to process on line arrests, as well as all juvenile arrests that are fingerprintable (including juvenile offenders, recogs, and juveniles not eligible for recognizance).
- V* VOIDED ARREST used when processing a voided arrest under P.G. 210-13 "Release of Prisoners-General Procedure."

Regardless of whether the arrest package has been previously forwarded, the prisoner must be delivered to the borough Court Section facility expeditiously. Delays of more than five (5) hours from time of arrest for lineups, prisoner debriefing, prisoner medical attention, etc., will be reported by telephone to the appropriate borough Court Section, as follows:

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**ADDITIONAL  
DATA  
(continued)**

*Manhattan* (212) 374-3838  
*Brooklyn* (718) 875-6586  
*Bronx* (718) 590-2849  
*Queens* (718) 520-9303  
*Staten Island* (718) 876-8493

**RELATED  
PROCEDURES**

*Arrests - Removal To Department Facility For Processing (P.G. 208-02)*  
*Arrest - General Processing (P.G. 208-03)*  
*Arrest - General Search Guidelines (P.G. 208-05)*  
*Arrests - Security Measures (P.G. 208-06)*  
*Alternate Procedure For Arrest Number Generated As A Result Of Computer Failure (P.G. 208-10)*  
*Alternate Procedure For Fingerprint Processing Due To Computer System Failure (P.G. 208-12)*  
*Arrests - "FINEST" Checks And "NITRO" Debriefing (P.G. 208-21)*  
*Release Of Prisoners-General Procedure (P.G. 210-13)*

**FORMS AND  
REPORTS**

*ON LINE BOOKING SYSTEM ARREST WORKSHEET (PD244-159)*  
*COMPLAINT REPORT (PD313-152)*  
*PROPERTY CLERK'S INVOICE (PD521-141)*



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# PATROL GUIDE

Section: Disciplinary Matters		Procedure No: 206-11	
<b>MEMBER OF THE SERVICE ARRESTED (UNIFORMED OR CIVILIAN)</b>			
DATE ISSUED: 01/01/2000	DATE EFFECTIVE: 01/01/2000	REVISION NUMBER:	PAGE: 1 of 4

## PURPOSE

To record and investigate cases when members of the service, both uniformed or civilian, are arrested.

## PROCEDURE

When a member of the service is arrested:

## DEFINITION

**CRIMINAL VIOLATION** - For the purpose of this procedure, means any violation of law, rule or regulation, whether committed within New York State or outside of the State, for which a penalty of a term of imprisonment may be imposed, but shall not include parking violations, traffic infractions (other than leaving the scene of an incident without reporting and driving while ability impaired) and violations of law, rule or regulation when a personal service summons received contemplates a civil penalty only.

### ARRESTED WITHIN CITY

## MEMBER OF THE SERVICE ARRESTED

1. Immediately notify arresting authority of position as a member of the New York City Police Department.
2. Promptly notify desk officer, precinct of arrest, of details if arrest effected by law enforcement agency other than New York City Police Department.

## NOTE

*All members of the service (uniformed or civilian), who receive a personal service summons for a criminal violation, are required to immediately notify their commanding officer, and provide the commanding officer with a copy of the summons.*

## DESK OFFICER

3. Immediately notify Internal Affairs Bureau Command Center.
4. Immediately notify precinct commander/duty captain.
5. Promptly notify the Operations Unit and include:
  - a. Time and date of arrest
  - b. Place of occurrence
  - c. Present location of member or place where he will be available for interview
  - d. Identity of all persons involved in the incident
  - e. Manner in which member became involved
  - f. Sickness or injury of member or other persons involved
  - g. Identity and statements of witnesses
  - h. Title and description of the law violated
  - i. Identity of law enforcement agency making arrest (federal, state or local)
  - j. Specific charges against the member
  - k. Date and location of court appearance, if known
  - l. Interim or final disposition, if any.
6. Make entry of notification in Telephone Record and include identity of precinct commander/duty captain notified.

# PATROL GUIDE

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**PRECINCT  
COMMANDER/  
DUTY CAPTAIN**

7. Make certain arrested member's commanding officer is notified.
8. Notify patrol borough commander, borough of arrest.

**PATROL  
BOROUGH  
COMMANDER  
CONCERNED**

9. Assign captain or above to conduct investigation.

**RANKING  
OFFICER  
CONDUCTING  
INVESTIGATION**

10. Commence immediate investigation and interview arrested member and witnesses, if any.
11. Submit report on **Typed Letterhead** to Chief of Department within twenty-four (24) hours.
12. Ascertain status of case no later than twenty-four (24) hours after each court appearance of member.
13. Prepare a report on **Typed Letterhead** indicating status of case and adjournment dates and forward to:
  - a. First Deputy Commissioner
  - b. Chief of Department
  - c. Chief of Personnel
  - d. Chief of Internal Affairs
  - e. Department Special Prosecutor or Department Advocate's Office as appropriate
  - f. Patrol borough commander concerned.
14. Direct arrested member to immediately notify his commanding officer if charges are dismissed.

ARRESTED OUTSIDE CITY

**MEMBER OF  
THE SERVICE  
ARRESTED**

15. Immediately notify arresting authority of position as a member of the New York City Police Department.
16. Immediately notify Operations Unit, comply with the remainder of step 5, subdivisions "a" to "I", and include identity of local police authorities involved.
17. Notify commanding officer without delay.

**NOTE**

*Commanding officer will contact arrested member within twenty-four (24) hours of court appearance and ascertain status of case.*

*All members of the service (uniformed or civilian), who receive a personal summons for a criminal violation, are required to immediately notify their commanding officer, and provide the commanding officer with a copy of the summons.*

# PATROL GUIDE

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## SUPERVISOR, OPERATIONS UNIT

18. Immediately notify Internal Affairs Bureau Command Center, and the following:

### ARREST MADE IN

- Westchester, Rockland  
Orange or Putnam

### NOTIFY

Commanding Officer,  
Patrol Borough Bronx

- Nassau or Suffolk

Commanding Officer,  
Patrol Borough Queens North  
or South, as appropriate

19. Notify commanding officer of arrested member.  
a. If command is closed, make notification at 0900 hours, next business day.

## PATROL BOROUGH COMMANDER OR CHIEF OF INTERNAL AFFAIRS

20. Assign a captain or above, to conduct investigation.

## RANKING OFFICER CONDUCTING INVESTIGATION

21. Communicate by telephone with arresting authorities to determine if there are witnesses to the incident.

### NOTE

*Ranking officer assigned is authorized to use a Department vehicle within city and the six (6) residence counties without prior permission.*

22. Advise the supervising officer, Operations Unit, of facts.  
23. Submit report on Typed Letterhead to the Chief of Department within twenty-four (24) hours.  
24. Ascertain status of case no later than twenty-four (24) hours after each court appearance of member.  
25. Prepare and forward a report, indicating status and adjournment date, to First Deputy Commissioner, Chief of Department, Chief of Personnel, Chief of Internal Affairs, Department Special Prosecutor or Department Advocate's Office (as appropriate), and patrol borough commander responsible for the investigation.  
a. Include arrest number, docket number, and jurisdiction in this report.

### IN ALL CASES

## MEMBER OF THE SERVICE ARRESTED

26. Keep commanding officer informed of status of case at least once every thirty (30) days and include:  
a. Adjournment dates  
b. Final disposition  
c. If appeal made  
d. Disposition of appeal.  
27. Notify commanding officer as soon as possible if charges are dismissed.

# PATROL GUIDE

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- COMMANDING OFFICER, ARRESTED MEMBER** 28. Telephone the Department Advocate and the borough commander responsible for the investigation of the disposition of all criminal charges, if Department charges have been preferred.
29. Provide the Chief of Internal Affairs with a final disposition of all criminal charges involving the arrest of a member of their command.
- DEPARTMENT ADVOCATE** 30. Obtain a "Certificate of Disposition" from the appropriate jurisdiction and verify conviction (or plea) of the member of the service, with special attention to crimes involving domestic violence, upon receipt of notification.

## RELATED PROCEDURES

- Notifications In Certain Arrest Situations (P.G. 208-69)*  
*Preparation Of Charges And Specifications (P.G. 206-05)*  
*Interrogation Of Members Of The Service (P.G. 206-13)*  
*Suspension From Duty-Uniformed Member Of The Service (P.G. 206-08)*  
*Modified Assignment (P.G. 206-10)*  
*Cause For Suspension Or Modified Assignment (P.G. 206-07)*  
*Review Of Arrest Cases Involving A Member Of The Service As A Defendant (P.G. 206-16)*

## FORMS AND REPORTS

- Typed Letterhead*



# PATROL GUIDE

Section: Arrests		Procedure No: 208-52	
<b>TRAFFIC VIOLATIONS</b>			
DATE ISSUED: 01/01/2000	DATE EFFECTIVE: 01/01/2000	REVISION NUMBER:	PAGE: 1 of 1

## PURPOSE

To record arrests for violations of the Traffic Laws.

## PROCEDURE

Upon arresting a person for violation of traffic regulations, follow appropriate arrest processing procedures and:

## ARRESTING OFFICER

1. Charge violation of Traffic Regulations if the offense is a violation of both the Traffic Regulations and the Vehicle Traffic Law.
2. Query NYSPIN through the FINEST system to determine if vehicle is reported stolen and verify name and address of registered owner.

## DESK OFFICER

3. Record additional charges and previous violations where applicable and inform the arresting officer of additional charges for presentation to the District Attorney.
4. Enter on **ON LINE BOOKING SYSTEM ARREST WORKSHEET (PD244-159)**, if arrested on traffic warrant:
  - a. "SW" under arrest number
  - b. "Warrant Part 5, 7 etc." under caption "Charges and Specific Offense"
  - c. Particulars of warrant under "Details."

## NOTE

*COMPLAINT REPORT (PD313-152) is not prepared.*

## FORMS AND REPORTS

*COMPLAINT REPORT (PD313-152)  
ON LINE BOOKING SYSTEM ARREST WORKSHEET (PD244-159)*



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# PATROL GUIDE

Section: Arrests		Procedure No: 208-53	
<b>ARREST PROCESSING - AGGRAVATED UNLICENSED OPERATION OF A MOTOR VEHICLE</b>			
DATE ISSUED: 01/01/2000	DATE EFFECTIVE: 01/01/2000	REVISION NUMBER:	PAGE: 1 of 4

## PURPOSE

To process arrests for operating a vehicle with a suspended or revoked license.

## PROCEDURE

When a uniformed member of the service observes, or has reasonable cause to believe that a person operating a vehicle has a suspended or revoked driver's license:

## UNIFORMED MEMBER OF THE SERVICE

1. Effect arrest for violation of Vehicle and Traffic Law and remove prisoner to stationhouse, precinct of occurrence.
2. Conduct license check (DALL) via FINEST system.
  - a. Retain printout and include in DAT or On Line arrest folders.
3. Comply with current Department procedures regarding issuance of a **DESK APPEARANCE TICKET (PD260-121)** and steps 5, 6, 7, 8, and 9 below, if prisoner is charged with Aggravated Unlicensed Operation of a Motor Vehicle (AUO) 3<sup>rd</sup> degree and is otherwise eligible.
4. Comply with all pertinent arrest processing procedures.

## NOTE

All persons arrested for driving with two (2) or more suspensions involving at least two (2) separate dates will not be eligible for a **DESK APPEARANCE TICKET**.

## PERSONS CHARGED WITH V.T.L. 511 (1)(a) OR 511 (2)(a) MISDEMEANORS

5. Prepare the following court related forms, (in addition to **ON LINE BOOKING SYSTEM WORKSHEET (PD244-159)** and other arrest related paperwork):
  - a. **SUPPORTING DEPOSITION-SUSPENDED/REVOKED LICENSE (PD244-068)** or **SUPPORTING DEPOSITION - SUSPENDED/REVOKED LICENSE-BRONX (PD244-068A)**
  - b. **PRE-ARRAIGNMENT NOTIFICATION REPORT (PD244-153)**
  - c. Arraignment Card (Misc. 4661)
  - d. Police Officer's Court Availability Schedule (Misc. 470a)
  - e. Prisoner Movement Slip (Misc. 2011-A 8/84)
  - f. DMV Certificate Concerning Violation of Law Relating to Vehicles (A-246), for the VTL Misdemeanor and Felony
  - g. Green copy of **PROPERTY CLERK'S MOTOR VEHICLE/BOAT INVOICE (PD571-147)**, if prepared.
6. Prepare Criminal Court Summons, for inclusion in arrest package, for violation of VTL 511 (1) (a) or 511 (2) (a), as appropriate.
  - a. Do not enter date on summons.
  - b. Complete "Criminal Court Information" on rear of original copy of Summons. (Cross out phrase, "I personally observed...", if appropriate).
7. Fingerprint prisoner utilizing "Livescan."

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**NOTE**

*Persons charged with 511(3)(a) E Felony shall be processed in accordance with steps 5 ("b" through "g") and step 9 below. A Criminal Court Summons will not be prepared in felony cases.*

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

8. Attach ORIGINAL copy of the Criminal Court Summons to **SUPPORTING DEPOSITION-SUSPENDED/REVOKED DRIVER'S LICENSE.**

**NOTE**

*The only Criminal Court Summons that will be prepared will be the one which serves as the prosecutorial document for misdemeanor arrest cases. **NO OTHER CRIMINAL COURT SUMMONSES FOR VTL VIOLATIONS SHALL BE PREPARED.** Any observed violation of sections of the Vehicle and Traffic Law shall be recorded as additional charges on the **ON LINE BOOKING SYSTEM ARREST WORKSHEET.** Criminal Court Summonses prepared for Aggravated Unlicensed Operation offenses shall be attached to the **SUPPORTING DEPOSITION.***

9. Confiscate driver's license and comply with P.G. 209-26, "Suspended Or Revoked Vehicle Operator's License."

**NOTE**

*Disregard subdivisions "a" and "b" of step 3 and the "NOTE" following subdivision "3b" in P.G. 209-26, "Suspended Or Revoked Vehicle Operator's License."*

10. Inform desk officer when arrest processing is complete.

**DESK OFFICER**

11. Review all forms for completeness and accuracy.
12. Ensure that all applicable categories on **SUPPORTING DEPOSITION** are checked off.
  - a. Have arresting officer sign and date.
13. Have prisoner (not eligible for a DAT) and related court papers delivered to borough Court Section and comply with "Citywide Expedited Arrest Processing."

**BOROUGH COURT SUPERVISOR**

14. Examine court papers for completeness and accuracy.
15. Make necessary entries on court papers and process as an "on line" arrest.

**ADDITIONAL DATA**

*Section 511-b, "Seizure And Redemption Of Unlawfully Operated Vehicles" requires that, upon making an arrest for Aggravated Unlicensed Operation Of A Motor Vehicle 1<sup>st</sup> or 2<sup>nd</sup> Degree committed in his presence, a uniformed member of the service shall remove or arrange for the removal of the vehicle to the Property Clerk, if:*

- a. *The operator is the registered owner of the vehicle, OR*
- b. *The vehicle is not properly registered, OR*
- c. *Proof of financial security (insurance card) is not produced, OR*
- d. *Where a person, other than the operator, is the registered owner and such person or another, properly licensed and authorized to possess and operate the vehicle, is not present.*

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## ADDITIONAL DATA (continued)

The impounded vehicle must be entered into NYSPIN as an impounded vehicle (see P.G. 212-48, "Motor Vehicles Repossessed/Parking Violations Bureau Scofflaw Removal Program" (Additional Data)). The impounded vehicle will remain at the precinct stationhouse for forty-eight (48) hours. If no one appears to redeem the vehicle, the vehicle will be delivered to the Property Clerk for storage. Additionally, the registered owner must promptly be notified, utilizing form **AGGRAVATED UNLICENSED OPERATION OF A MOTOR VEHICLE (PD171-121)**, that the vehicle has been impounded. Vehicles seized pursuant to this section shall not be released unless:

- a. The person redeeming the vehicle has furnished satisfactory evidence of registration and financial security.
- b. Reasonable removal and storage costs have been paid. (See P.G. 218-44, "Removal And Storage Charges").

Removal and storage charges shall not be required of the registered owner if the impounded vehicle was stolen or was rented or leased pursuant to a written agreement for a period of thirty (30) days or less.

- c. Where the vehicle was operated by a person who, at the time of the offense, was the owner, the following is required:
  - (1) Satisfactory evidence that the registered owner or other person seeking to redeem the vehicle has a license or privilege to operate a motor vehicle in New York, AND
  - (2) Satisfactory evidence that criminal charges have been terminated and that any fine imposed as a result of a conviction has been paid, OR
  - (3) A certificate issued by the court in which the criminal action was commenced ordering release of the vehicle prior to judgment or in compliance of the interest of justice, OR
  - (4) A certificate issued by the District Attorney, or other officer authorized to prosecute such charge, waiving the requirement that the vehicle be held.

In all Aggravated Unlicensed Operation of a Motor Vehicle 1<sup>st</sup> Degree arrests, the vehicle shall be seized and removed to a Property Clerk facility. As such, these vehicles will not remain at precinct stationhouse for forty-eight (48) hours. The arresting officer shall process said vehicle in accordance with P.G. 208-26, "Forfeiture Proceedings For Property Seized In Connection With An Arrest." The Property Clerk shall contact the Legal Bureau to ascertain if a statutory forfeiture proceeding will be commenced. Persons making a demand for the return of a vehicle seized pursuant to this procedure must provide the same documenting evidence as required for release of a vehicle pursuant to Section 511-b of the VTL above, except that a District Attorney's release is required in all seizures made pursuant to Section 511-c of the VTL regardless of who was operating the vehicle at the time of the offense. In the event said requirements are met and the Legal Bureau indicates that a statutory forfeiture proceeding will not be commenced, the vehicle may be released from the Property Clerk facility.

## RELATED PROCEDURES

Suspended Or Revoked Vehicle Operator's License (P.G. 209-26)  
Forfeiture Proceedings For Property Seized In Connection With An Arrest (P.G. 208-26)  
Safeguarding Vehicles In Police Custody (P.G. 218-12)  
Removal And Storage Charges (P.G. 218-44)  
Motor Vehicles Repossessed/Parking Violations Bureau Scofflaw Removal Program (P.G. 212-48)

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## FORMS AND REPORTS

- DESK APPEARANCE TICKET (PD260-121)
- ON LINE BOOKING SYSTEM ARREST WORKSHEET (PD244-159)
- SUPPORTING DEPOSITION-SUSPENDED/REVOKED LICENSE (PD244-068)
- SUPPORTING DEPOSITION-SUSPENDED/REVOKED LICENSE-BRONX (PD244-068A)
- PRE-ARRAIGNMENT NOTIFICATION REPORT (PD244-153)
- PROPERTY CLERK'S MOTOR VEHICLE/BOAT INVOICE (PD571-147)
- AGGRAVATED UNLICENSED OPERATION OF A MOTOR VEHICLE (PD171-121)

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# PATROL GUIDE

Section: Arrests		Procedure No: 208-69	
<b>NOTIFICATIONS IN CERTAIN ARREST SITUATIONS</b>			
DATE ISSUED: 01/01/2000	DATE EFFECTIVE: 01/01/2000	REVISION NUMBER:	PAGE: 1 of 3

## PURPOSE

To notify an agency or Department unit in certain arrest cases.

## PROCEDURE

When an arrest is effected and any of the following conditions exists, follow existing arrest procedures and:

### DESK OFFICER/ COUNTERPART

1. Notify Operations Unit DIRECT for arrests involving:
  - a. Alcohol, illegal manufacture or possession
  - b. Any offense, and prisoner has \$500 in federal food stamps, except authorized wholesale or retail dealer.
  - c. Any offense, and prisoner is an employee of:
    - (1) New York City, except Fire Department
    - (2) US Internal Revenue Service
    - (3) US Postal Service
    - (4) US Department of State
    - (5) New York State Department of Corrections.

### NOTE

*Whenever an arrested person indicates a school as place of employment, the arresting officer shall ascertain if the school is under jurisdiction of the New York City Board of Education.*

- d. Any offense, and prisoner is a uniformed or civilian member of this Department.
  - (1) Make entry of notification in Telephone Record and include identity of precinct commander/duty captain notified.
- e. Cigarette tax violation.
- f. Forgery of prescription for narcotics.
- g. Extortion or bribery concerning any taxes under jurisdiction of New York City Department of Finance OR criminal impersonation of tax official.
- h. Any offense and prisoner possesses multiple blank social security cards or multiple social security cards with different names and/or numbers.
- i. Larceny of parking meter or its contents OR tampering with meters.
- j. US Postal Law violations.
- k. Any offense and prisoner is member of Armed Forces (Army, Navy, Air Force, Marines, Coast Guard) OR prisoner is AWOL (Absent Without Leave) OR a deserter.
- l. Any offense and prisoner is impersonating a New York City Department of Health employee.

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**DESK OFFICER/  
COUNTERPART  
(continued)**

2. Make direct notification to agency or command concerned when arrest is effected for:

- Criminal Anarchy > Intelligence Division
- Any offense, and prisoner possesses anarchistic literature advocating the violent overthrow of the existing government of this State or Nation > Intelligence Division
- Any offense, and prisoner is an employee of:
  - ◊ New York State Division of Substance Abuse Services > Division of Substance Abuse Services
  - ◊ Port of New York Authority > Port Authority
  - ◊ Tri-Boro Bridge and Tunnel Authority (TBTA) > TBTA
  - ◊ United Nations > Intelligence Division
  - ◊ New York City Fire Department > Inspector General, Fire Department
  - ◊ New York State Parole, Senior Parole, Supervising Parole Officer > Division of State Parole
  - ◊ New York State Police > Office of Chief Inspector, (518) 457-6554 (During non-business hours notify New York State Police Division Headquarters [518] 457-6811)
  - ◊ New York State Court System > New York State Court Security Service (212) 417-5857 (Monday to Friday, 0900-1700 hours) or 800-225-0256, Code 97597 at all other times
- Any offense, and prisoner is a member of armed forces of a foreign nation > Provost Marshal, Fort Hamilton Brooklyn
- Felony and prisoner is employee of U.S. Department of Defense > Provost Marshal, Fort Hamilton Brooklyn
- Morals or perversion charge and prisoner is employee of U.S. Department of Defense > Provost Marshal, Fort Hamilton Brooklyn
- Any offense, and a youth gang is involved > Intelligence Division
- Any offense, and Board of Education is involved in any way > School Safety Division
- Any graffiti-related offenses > Anti-Graffiti/Vandalism Unit, Special Operations Division (718) 592-6226
- Any offense and prisoner is an employee of The City University of New York > The City University of New York Deputy University Director of Security and Public Safety (212) 541-0407
- Any offense, and prisoner is involved in the private carting industry > NYC Trade Waste Commission, (212) 676-6300, Monday to Friday, between 1000 and 1800 hours. After hours, contact O.C.C. Field Operations Desk at (212) 374-6620

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## DESK OFFICER/ COUNTERPART (continued)

- Any offense, and prisoner admits, or is determined to be an alien > Notify borough Court supervisor
3. Direct arresting officer to notify Human Resources Administration, Bureau of Client Fraud, by telephone (212) 274-4749 (0830-1700 hours) or (212) 274-4717 (at all other times) and State of New York, Office of the Welfare Inspector General, by telephone (212) 417-2028 (Monday to Friday, 0900-1700 hours) or (800) 682-4530 at all other times, whenever a prisoner is arrested for:
    - a. INCOME GENERATING OFFENSE, i.e., drugs, gambling, prostitution, unlicensed vendor, etc., and the prisoner possesses:
      - (1) Department of Social Services Recipient Identification Card OR
      - (2) Two (2) different sets of identification cards OR
      - (3) Food stamps
    - b. The telephone notification will also be made when prisoner is arrested for ANY OFFENSE and possesses:
      - (1) Two (2) or more social security cards in same name, with different numbers or different names and numbers OR
      - (2) Department of Social Services Recipient Identification Card and more than \$500.00 in U.S. currency OR
      - (3) Department of Social Services Recipient Identification Card and an employee ID card from any City agency or other identification indicating any employment.
  4. Direct uniformed members of the service making any arrests to question prisoner(s) re:
    - a. Employment or involvement in the child care field in the following capacities:
      - (1) Any employee of a day care center or Headstart Program
      - (2) Any family day care provider or member of household
      - (3) Any employee of a program for protective services, preventive services, youth development and delinquency, runaway and homeless youths, day camp, park or recreation
      - (4) Any employee of a foster care program or member of a foster care family.
    - b. Have arresting officer prepare form **Child Care Worker Arrest Notification (Misc. 2148)**, in duplicate, when prisoner is employed or involved in child care field.
    - c. Immediately notify the Operations Unit, direct, and forward original copy of form to New York City Department of Investigation, in next Department mail.
      - (1) File duplicate copy of form with precinct copy of **ON LINE BOOKING ARREST WORKSHEET (PD244-159)**.

FORMS AND  
REPORTS

ON LINE BOOKING ARREST WORKSHEET (PD244-159)



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The City of New York



POLICE DEPARTMENT

CERTIFICATION

CASE OF: PSU 4

DATE: 10.31.8

versus

[REDACTED]

INDEX # 3

DOCKET #

[REDACTED]

STATE OF NEW YORK

COUNTY OF: Bronx. Put 50

This is to certify that the enclosed photocopies of:

are true and complete copies of record(s) in the custody of the

DCLM

of the New York City Police Department.

P.O.  
RANK

[Handwritten Signature]

SIGNATURE

DCLM  
COMMAND

FARID MASSIHANW, Esq.  
NAME PRINTED

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