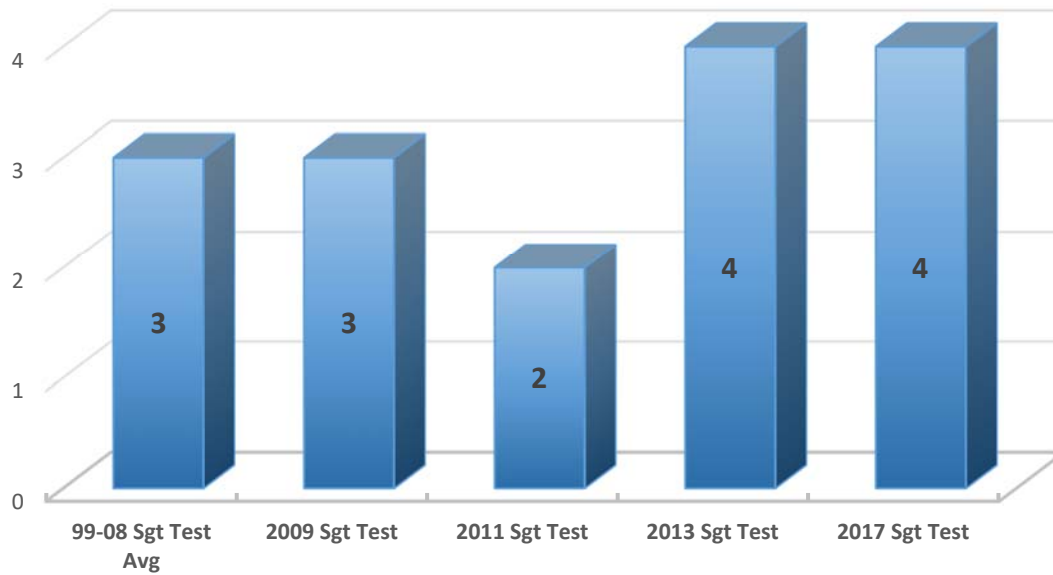


P.G. 208 -pt 2, Sgt Test Questions



| Procedure | Arrests | 99/08 | 2009 | 2011 | 2013 | 2017 |
|--------------|----------------------------------|----------|----------|----------|----------|----------|
| 208-34&35 | Bribery | 2 | -- | 1 | 1 | -- |
| 208-36&37 | Domestic Violence (incl. MOS) | 9 | 2 | 1 | 2 | 2 |
| 208-40 | DWI | 1 | -- | -- | -- | 1 |
| 208-42 | Arrest on a Warrant | 2 | -- | -- | -- | -- |
| 208-44 | Prostitution | 1 | -- | -- | -- | -- |
| 208-49 | Contraband Weapons | 1 | -- | -- | -- | 1 |
| 208-53 | AUO 511 | 1 | -- | -- | 1 | -- |
| 208-54 | Forged/Altered MV Documents | 1 | -- | -- | -- | -- |
| 208-69 | Notifications in Certain Arrests | -- | 1 | -- | -- | -- |
| Total | P.G. 208, Arrests | 3 | 3 | 2 | 4 | 4 |

1. PO Brown of the 123rd Precinct responds to a 10-52 family dispute at 123 Main Street. Upon arrival, he is greeted by John Johnson and Frank Jones. After interviewing the parties separately, he discovers that the two males are living together as registered NYC Domestic Partners. John has a black eye and Frank has a swollen lip. Both injuries are causing substantial pain. The interview reveals that Frank punched John in the eye during an argument and John attempted to block the punch and accidentally struck Frank on the lip. You are the Patrol Supervisor on the scene and have determined that both parties have committed Assault 3. In accordance with PG 208-36, "Family Offenses/Domestic Violence," regarding this scenario it would be most **correct** to:
 - A) Direct PO Brown to inform all parties that they may be contacted by the Precinct Domestic Violence Prevention Officer concerning this incident; no other action need be taken at this time.
 - B) Advise both parties that concurrent jurisdiction does not exist for same-sex relationships.
 - C) Arrest only Frank Jones as the primary physical aggressor, prepare two **COMPLAINT REPORTS** and close the **COMPLAINT REPORT** that lists John as the perp, as referred to the "Precinct Detective Squad" for further investigation.
 - D) Direct PO Brown to prepare two **Domestic Incident Reports** and enter his Tax Number under the caption "Reporting Officer," and ensure that the name and phone number of the Precinct Domestic Violence Prevention Officer is printed in the "*Prior History*" on page "2" of the DIR.

2. In accordance with PG 208-36, "Family Offenses/Domestic Violence," if a complainant cannot produce a copy of his/her Order of Protection that was issued by a NYC Court, the proper course of action to be taken will include all of the following **except**:
 - A) Use the "ZFinest" application or "Order of Protection" application to search.
 - B) If the computer systems are down, request Communications Division Dispatcher to conduct inquiry.
 - C) If the computer systems are down, request Central Records Division to conduct inquiry.
 - D) If unable to obtain Order of Protection via Department intranet or Communication Section dispatchers, telephone Central Records Division, Identification Section to verify that an Order of Protection was issued, court of issuance, specific conduct prohibited and the expiration date.

3. PO Rivera of the 73rd Precinct is preparing a **Domestic Incident Report** for a domestic Assault 2. According to 208-36, which of the following items is required to be entered in the Incident Narrative section of the **Domestic Incident Report**?
 - A) Reporting member of the service's tax registry number.
 - B) Domestic Violence Prevention Officer's name & phone #.
 - C) Identity of any interpreter used.
 - D) Email address of offender.

1. **D)** 208-36. The information listed in Choice D) is found in Steps 17e and f. Choice A) is incorrect even though step 17h does call for such an action (tell them the DVPO may be contacting them); in this case though, at least one arrest must be effected. Choice B) is incorrect, since same-sex relationships *are* covered in the Family Court Act and concurrent jurisdiction would exist. Choice C) is incorrect; it should read “Closed to Patrol,” step 19d.
2. **C)** 208-36, Step 6a-c. When you see two ‘opposing choices’ as in Choices B & C in this question; one of them has to be right and one of them has to be wrong. Even if you got stuck here between B & C, hopefully you continued on and read Choice D) where you might have been able to ascertain that, since D) says to use the intranet and then the **Communications Section Dispatcher**, you might’ve been able to pick C) as wrong.
3. **D)** 208-36, Step 17 and Note following. They actually did this once before on a past exam (they used a Juvenile Report back then). The information in all 4 choices are required to be entered on the DIR **but**, the question asked; which of the four are required to be entered in the “**Incident Narrative**” section. (believe me, we are *not* making this question up; they asked something just like it once). Three of the four choices have their own specific captions and so do not go in the Incident Narrative section;
 - Reporting Officer’s tax number goes in the caption titled, REPORTING OFFICER (Step 17f)
 - DVPO’s name & phone # go in the PRIOR HISTORY section on page 2 (Step 17e)
 - ID of any interpreter used goes in section titled; INTERPRETER SERVICE PROVIDER NAME (last sentence of the first paragraph of the note following step 17)
 - Email address/social media profile goes in the Incident Narrative section as per Step 17c4.

Two Key Notes here;

- Look back at Question 1, Choice D): It actually told us that Choices A) & B) in this question have specific boxes on the DIR. This *may* happen on your test. Just keep an eye out for it.
- When this type question (#3 above) was asked in the past, one test taker realized they were asking, essentially, which of the four choices don’t have a specific box to go in and so, by default, would end up in the Narrative Section. This next point is something you should **always remember**: The question itself was approximately # 85 and so the student had not looked at the In-Basket for like, three hours or so. But he remembered that there was a copy of the form in question used in the In-Basket!! He went back, found captions on the form for three of the four choices and then reasoned it out that the fourth piece of info belonged in the narrative. Just a point to remember. Don’t panic. I took that particular test and got that friggin’ question wrong!

The Key Lesson for 208-36, 39 & 70 begins on the next page.

208-36 Family Offense/Domestic Violence

The list of offenses comes into play later in **Concurrent Jurisdiction** and **Primary Aggressor Analysis**

We arrest for ANY offense between “Family Members.”

- This means that when it comes to **making an arrest** we DON'T need to know what is considered a “Family Offense” since we arrest for ANY offense.
- What we DO need here is the definition of a “Family Member”

Definition of “Family Member.”

- Legally married or formerly legally married.
- Related by Marriage (affinity).
- Related by Blood (consanguinity).
- Child in common.
- Common Law, Registered Domestic Partner, Intimate Relationship whether or not they ever lived together

Family Court vs. NYPD definition of “Family”

- The term “NYPD Expanded Definition” of who is “family” is now moot since Family Court expanded its definition of “family” to include “intimate relationship.”
- The two definitions are essentially the same.

“Intimate Relationship” defined:

- Not related by consanguinity (blood) or affinity (marriage) but who are, or have been, in an intimate relationship regardless of whether such persons have lived together at any time.
- Consider the nature or type of relationship (does not have to be sexual); the frequency of interaction between persons and the duration of the relationship, amount of time spent together in either a work or leisure related capacity, shared expenses and/or finances, extent of interaction with family members, etc.
- Does NOT include casual acquaintance nor ordinary business, educational, or social friends.
- If unable to determine, request the response of the patrol supervisor.

The Steps:

UMOS

- Obtain medical assistance if requested or need is apparent.
- Ascertain facts –Interview persons involved separately –if LEP, go with 212-90/Deaf? 212-104
- Interview and record names & statements of “witnesses present at time of occurrence.”
 - Collect evidence, take photos with Dept smartphone of all visible injury/damaged property
- Determine if probable cause that **ANY** offense was committed.
 - Felony or V.O.P? **ARREST**, no questions asked.
 - Misdemeanor? Probably they go, but *still* NO QUESTIONS ASKED!!

ANY Misdemeanor or Violation in your presence

- **ARREST** perpetrator; **DO NOT ASK** victim if she/he wants arrest made.
- IF victim states, **UNPROMPTED** by us, that she/he does not want the violator arrested,
 - The officer does not have to make an Arrest **BUT**

Need interpreter?

- Avoid using bystanders/family member –may use temporarily to stabilize scene and gather information but **MUST** use a Certified MOS or Language Line Service (LLS) to verify info before finalizing the job.
- Children should be interviewed but **NOT**, when feasible, used as interpreter –in any job, not just DV.

208-36 Domestic Violence (cont'd)

If possible, conduct inquiry through Pct DIR Database.

- Officer may STILL make the arrest if (*factors to consider*):
 - Past history and current mental/physical state of defendant.
 - Observations at the scene, statements of violator and witnesses.
 - Presence of, access to or threatened use of Weapons.
 - Mental and physical state of OFFENDER (Drug or alcohol intoxication)
 - Will anyone in the house be at risk, including elderly.
 - If in doubt, arrest the offender –yes, over the victim’s objections.
- If no arrest, have victim SIGN activity log OR note their refusal to sign in your activity log.

The above steps go for ANY offense when “Family Members” are involved.

The next two topics; Primary Aggressor & Concurrent Jurisdiction are only for “Family Offenses”

List of “Family Offenses”

Personal crimes (DAMAS)

- DisCon (including acts not in public), Reckless Endangerment
- Aggravated Harassment 2°, Harassment 1° or 2°
- Menacing 2° or 3°
- Assault 2° or 3° (or Attempts),
- Strangulation 1° or 2°, Criminal Obstruction of Breathing or Blood Circulation. Stalking all degrees

Call this 3° strangulation

Sex Crimes

- Sexual Misconduct, Forcible Touching, Sexual Abuse 3° & Sexual Abuse 2° (other than because victim was less than 17 years old)

Property Crimes

- Criminal Mischief (all degrees), Grand Larceny (3° and 4°)
- Identity Theft (1°, 2°, and 3°), Coercion 2° (subdivisions 1,2,3).

Primary Aggressor Analysis

- For simultaneous* Misdemeanor vs. Misdemeanor “Family Offense” ONLY.
- Attempt to identify the primary aggressor by considering the following:
 - Comparative extent of injuries (wife’s black eye vs. husband’s scratch)
 - Defensive acts or injuries, Current or future threats (example “I’m going to kill you”)
 - Prior history of domestic violence by a party.

Simultaneous

- If secondary aggression is retribution for PAST crime, that doesn’t count!

The Steps for Primary Aggressor Analysis:

- ALWAYS confer with patrol supervisor.
- ALWAYS make a complaint report and DIR for *each* party
- Arrest only the Primary Physical Aggressor (MAY arrest the true victim, if appropriate)
- If you can't determine who the Primary Physical Aggressor is, MAY arrest them BOTH.
- List all the factors that led to determination or inability to determine primary aggressor in:
 - Details of 61 & A/L & RESULTS OF INVESTIGATION AND BASIS OF ACTION TAKEN box on DIR
- If primary aggressor is identified;
 - Complaint Report # 1 is made by the "victim" against the perp.
 - Complaint Report # 2 is made by the perp against the "victim" and is "Closed to Patrol."
 - Each Complaint Report must include a statement in details that either offender was:
 - Determined NOT to be the Primary aggressor,
 - Determined to be the Primary aggressor (and the reason), or
 - Inability to determine who is the Primary aggressor

Primary Consideration is prevention of future violence & safety of ALL household members

Concurrent Jurisdiction (Can be handled in either Criminal or Family Court IF);

- Family Offense, committed by a family member as defined by the Family Court Act
- AND perp is 18 years of age or older (16 or 17 if it's a felony – 'cause then they'd be an A.O.)

The Steps for Concurrent Jurisdiction

- Advise Complainant/victim when concurrent jurisdiction exists;
 - *Family court is to resolve the dispute and end the violence.*
 - *Criminal court is to prosecute the offender.*
 - *Inform victim they can proceed in both courts AND change courts any time.*
- Family court proceedings begin when an accusatory instrument or Family Court petition is filed, not when an arrest is affected or requested.

Activity Log entry that you told them about concurrent jurisdiction

Orders of Protection

- Violation of an Order of Protection (VOP) is "Criminal Contempt"
 - If underlying prohibited act is an offense, you must charge that too.
- "Criminal Contempt" is not a Family Offense so there will *NEVER* be concurrent jurisdiction.
 - But, tell the victim they can file a petition in Family Ct if they want.
- Violator must KNOW about the order
 - Either he was in court when it was issued or he was duly served, etc. So, we must ASK him/her OR have the VICTIM verify knowledge, if necessary.
 - If necessary, and if it's during business hours, call the court of issuance.

Possible Order of Protection? (victim says they have one but can't produce it)

- Use “ZFinest” app or “Order of Protection” app to search for all (NYC or any)
- If system down request C.U. dispatcher to conduct the inquiry.
- If unable to obtain by the above 2 steps, call Central Records Division (CRD) ID section.

Enforce Out-of-State Orders of Protection if: (includes tribal courts and U.S. territories)

- The perpetrator had notice of the order (s/a NYS above) AND
 - Had an “opportunity to be heard” in court or is scheduled to appear for the OOP.
- What is “an opportunity to be heard?”

| |
|-------------------------------------|
| Charge NYS PL (Crim Contempt, etc.) |
|-------------------------------------|

 - Appeared in court or was served with a notice to appear but didn't show.
 - Served with the OOP & notice to appear within 30 days of the issuance of the OOP
- So, if it looks good (signed by Judge, not expired, and he had his chance to speak up) we will honor it and lock him up.
- IF VICTIM CANNOT PRODUCE A COPY OF THE ORDER OF PROTECTION,
 - Make the same calls as above and IN ADDITION, check:
 - Statewide Registry of Orders of Protection or Order of Protection files in NCIC.
- THE OFFICER CANNOT VERIFY THE OOP
 - UMOS can still effect an arrest if you have probable cause the order exists based on:
 - Credible information supplied by complainant/victim or other credible source.

Violation Out Of Your Presence:

- If Concurrent Jurisdiction inform complainant they can go to either Family Court or the “Summons Part” of Criminal Court or Both.
- If no Concurrent Jurisdiction, refer them to the “Summons Pt” of Criminal Ct
- Victim MUST have the offender's address available for eventual service.

| |
|---|
| <u>If asked to serve a summons/OOP</u> |
|---|

- | |
|---|
| <ul style="list-style-type: none">• Prepare & sign “Statement of Personal Service”• Give White copy to victim & file Blue copy at Pct of service |
|---|

Perp Fled:

- Do NOT search for a Violation (that's only a referral as we just saw above).
- Search immediate vicinity *if* Crime (Fel/Misd) VOP **AND** it might “yield positive results.”
- Advise victim to call the police if she has further contact with perp.
 - Instruct her to request an arrest and present the DIR as proof of previous complaint.

Leaving Complaint report Open or Closed? Answer: Would you have arrested him?

- Violation-- CLOSED.
- Felony or V.O.O.P---OPEN
- Misdemeanor, OPEN IF she wants him arrested or
- Misdemeanor, OPEN IF she does not want him arrested but UMOS believes an arrest is warranted given above criteria
- If Open, mark it as Referred to the PDS.
- If Closed, Close it to the court she was referred to.
- Note in “Details” of complaint report
 - If there was an OOP and if so, which court issued the order.
 - Possible location of perp

Utilize proper radio code signals

- 10-90F1-DIR made, no family offense
- 10-90J1- DIR made, no child abuse (CA)
- 10-90F2-DIR made, unfounded family
- 10-90J2- DIR made, unfounded CA
- 10-92F -DIR made, Family Arrest
- 10-92J –DIR made, Child Abuse Arrest
- 10-93F -DIR & 61 made
- 10-93J -DIR & 61 made

Preparing the DIR (Hard Copy made for all founded incidents –unfounded go direct into FORMS)

- DVPO’s name & phone # in PRIOR HISTORY section on page 2.
- Reporting Officer’s TAX # goes in caption entitled REPORTING OFFICER
- ID of any interpreter used goes in section titled; INTERPRETER SERVICE PROVIDER NAME
- Advise ALL parties DVO may contact regarding this incident
- If arrest made, copy of DIR to the ADA
- If Radio Run, ICAD Incident # on DIR
- Primary Physical Aggressor –or not, list factors of determination in INCIDENT NARRATIVE section
- Put answers to these questions in INCIDENT NARRATIVE **AND** details of 61:
 - Where does offender work & what are his normal hours.
 - What kind of car does he drive (state & plate, if known).
 - Other than home, where is he likely to be found. (get as much detail as possible)
 - Email address/social media profile of offender? (include all account names)
- Put arrest or investigatory evidence, photos uploaded to FORMS, in appropriate caption.
- Give copy of both pages (pink copies) & VICTIMRIGHTSNOTICE (pink copy) to vic/compl if present.
- All MOS ensure the statements of victims, whether at the scene or in writing on a DIR, are translated as soon as possible to determine if further police action is necessary.
- Have victim complete STATEMENT OF ALLEGATIONS/SUPPORTING DEPOSITION (page 2)
- If done in foreign language, the DIR must be transcribed and translated as accurately as possible.
 - D.O. review all DIRs to see if STATEMENT.. in foreign language –if so, go with 212-90
 - DO NOT enter “Refused” or “Same as page 1” unless the victim actually refuses.

Inform of shelter & other services
with 24-hr Domestic Violence
Hotline # as per NYS Family Ct Act

Any guns in the residence/other location (business, other residence, etc)?

- Must question persons present regarding the presence of firearms.
- SEIZE ANY FIREARMS if (and License/permit if they have one):
 - OOP exists against the holder (*doesn't say he had to violate it for us to take!*)
 - Physical Force or the threat of, involved in incident (*doesn't say **by** the holder!*)
 - License holder arrested, regardless of the charge.
 - UMOS believes their presence creates an IMMEDIATE risk of physical injury.
- Notify License Division, Incident Section if license/permit holder involved.
 - Licensee must also notify License Division of incident

Desk Officer

- No DAT or Station House Bail.
- Verify accuracy and completeness of all forms & have perp removed to borough Court Section
- Ensure that digital photographs depicting domestic violence related evidence are taken for on a Department smartphone via FORMS and uploaded accordingly

61 left Open to the Squad

Desk Officer

- Forward open 61s to the squad with the completed and signed PHOTOCOPY of the DIR.
- Ensure original is promptly entered into the FORMS app.

Assigned Detective

- *Immediately* attempt to interview complainant, get facts & info (all addresses, nickname, date of birth, phone numbers, e-mail addresses, information regarding relatives and associates, etc.)
- Conduct necessary computer checks re; all involved persons/locations.
- Confer with Pct/PSA DVU Sgt if can't immediately apprehend.
 - DVPO will assist in making collar within the confines of the command
- Activate "I" CARD (include NYSID#) for named perpetrator no later than end of assigned tour regardless of whether complainant was interviewed or if a DIR was forwarded to the Detective Squad.
- Communicate/forward Activated (and cancelled) "I" CARD info to Pct/PSA DVU daily.
 - Date, time, name of who notified goes in Enterprise Case Management System (ECMS).
 - Also forward INVESTIGATION CARD to DVUnit of Pct/PSA *of offender's residence.*

Det Squad C.O. (step 34):

- Confer bi-weekly with Pct/PSA C.O. & DVU Sgt re; active & canceled domestic violence "I" cards.

Domestic Violence Prevention Officer (DVPO)

- Open and manage a case in DVIMS
- Document all interactions with PDS & Special Victims Squad members assigned to the case.
- Assist in apprehension efforts within the confines of the Precinct/PSA.
- Confer with assigned detective prior to making home visit for named perp
- Effect arrest if named perpetrator is present during home visit.
- If arrest for a serious felony or complex investigation, assigned detective will assist DVPO.
- Notify Squad to cancel the “I” CARD when named perpetrator is arrested.
- Inform assigned detective of all attempts to locate named perpetrators.

Assigned Detective

- Document arrest efforts by DVPO in ECMS.

Sweeps

- COORDINATED by Detective Zone Commanders and Precinct Detective Squad Commanders.
- INCLUDES Precinct/PSA C.O., Special Operations Lt & Domestic Violence Unit Sergeant.
- PURPOSE: to expeditiously apprehend multiple named perpetrators.

208-39 Taking Pictures of Domestic Violence

UMOS

- Comply with 208-36, determine if photos must be taken & ask if victim willing to be photo’ed
 - Explain they’re evidence for prosecution & civil ct (divorce/child custody hearing, etc.)
 - If not willing, note refusal in A/L &, if possible, have victim sign entry –also **note on DIR & 61**
- Take photos with Dept smartphone through FORMS app; “Take DV Photos” “Take Picture” tab.
- Photograph visible injuries AND a photo of the victim from the waist up for ID purposes.
 - If complaint of substantial pain (definition of assault 3) & no injury visible DON’T take pics.
- Take other photos as necessary including but not limited to;
 - Weapons, damaged property, and overall scene to illustrate disarray.
 - If no arrest, take photo of appropriate recent photo of the perp on victim’s phone/other source.
 - Photograph threatening social media/text & if OOP violated by calls or there were repeated /threatening calls, photo victim’s call log -Include photo of perp’s contact info & victim’s IMEI #
 - Apologetic texts/other which indicate culpability.
 - Other evidence like caller ID on the phone for aggravated harassment, flowers, cards, notes for stalking, blood on clothes/hands or ripped clothing of either perp or victim.
- Since photos don’t get vouchered, remember to voucher physical evidence (weapon, clothes, etc).
- On DIR, ensure “Photos Taken” box in “Evidence” section of DIR is completed.

- After putting photos in FORMS on smartphone, press save –this reserves a DIR#.
- Document that # on scratch of DIR and in A/L

DVPO

- DAILY review completed DIRs, finalized 61 printouts, & photos in DVIMS to ensure that photos for domestic violence were taken as necessary.
- Follow-up with victims and take digital photos as necessary –special attention to injuries that weren’t visible at the outset that are NOW.
- Add additional photos through FORMS using “Maintenance Tab”

Training Sergeant

- Ensure all UMOS assigned to command are properly trained in taking/uploading DV digital photos.

208-70 DIR Database

Finest Online Records Management System

UMOS

- DIRs get input to FORMS (Dept database) which calls for 3 things that DIRs don’t have captions for so you must put these in the DIR **Narrative** section;
 - If verbal dispute only.
 - Court & Docket # of OOP.
 - Reporting Officer’s Tax# (in ‘Reporting Officer’ box)
- Give compl/victim copies as you do in 208-36 (both pink pages & “Victim Rights Notice” (also pink)
- Submit hard copy of DIR with any other reports (61, OLBS, etc) to Desk Officer.

- MOS will make DIR for walk-ins.
- Hard copy of DIR made for all **founded** domestic incidents.
- NO hard copy for **unfounded**, they go directly into FORMS.

-
- D.O, ensure accuracy & completeness of all forms & designate MOS to input DIR info to FORMS.
 - Designated MOS, input info from DIR to FORMS.
 - D.O, forward all copies to domestic violence sergeant.

- If victim’s statement written in another language, comply with 212-90.
- DA wants handwritten statement, can even use it as accusatory instrument.

Domestic Violence Sergeant

- Review and compare hard copy to electronic copy and address discrepancies as necessary.
- Review & update ECMS (Enterprise Case Mgmt) in DVIMS (Domestic Violence Info Mgmt System).
- Maintain file of DIRs prepared in the command **or** forwarded from other commands.
 - Original (domestic violence sgt’s copy) & first copy get filed in command of occurrence.
 - If cmd of occurrence not compl/vic’s resident cmd, send photocopy to domestic viol sgt thereat