

1. As a newly promoted supervisor in the New York City Police Department, you should know the duties and responsibilities of a “Community Assistant” –a Civilian member of the service assigned to a precinct and tasked with assisting that precinct’s Crime Victim’s Advocate. Of the following, which is not a correctly stated duty of a precinct Community Assistant;
  - A) Report to desk officer at commencement and end of tour.
  - B) Advise desk officer when leaving command for any reason.
  - C) Print all **COMPLAINT REPORTS** and **New York State Domestic Incident Reports**, from FORMS at beginning of tour, and deliver to CVAP Advocate daily.
  - D) Answer telephone in CVAP office promptly, stating in a courteous manner, command, Crime Victim Assistance Program, rank/title, surname, and, “May I help you?”
  
2. When a non-local law enforcement agency requests that the Department provide City resources (i.e., traffic control, vehicle escorts, site security, etc.) to support or assist in immigration enforcement, the Desk Officer, command of occurrence, should do which of the following;
  - A) Notify Operations Unit and provide details of request.
  - B) Notify Duty Chief and provide details of request.
  - C) Confer with Legal Bureau regarding request.
  - D) Determine action to be taken, considering the need to ensure public safety.
  
3. You are Sergeant Ruiz, first platoon desk officer in the 50 precinct. During the tour, 50 precinct sector Adam responded to a gunshot detection alert. Upon arrival, the officers discovered a camera belonging to a nearby auto repair shop that may have captured the possible gunfire. The officers had requested TARU (Technical Assistance Response Unit) to respond to assist in retrieving the potential video evidence. However, despite a thorough canvass, the officers were not able to recover any physical evidence. In making the determination whether or not a daylight canvass is necessary, in accordance with Patrol Guide Procedure 212-127, ‘Gunshot Detection Alerts,’ you should review all of the following except;
  - A) Narrative of the Complaint Report
  - B) Audio recording of gunshot detection alert
  - C) Video of Body-Worn Camera from the responding officers.
  - D) Narrative of the ICAD job assignment.
  
4. Continuing with the information in the preceding question. You having completed your review of the necessary resources and have determined that a daylight canvass is necessary. Which of the following should you direct to conduct the daylight search?
  - A) Emergency Service Unit
  - B) Crime Scene Unit
  - C) Evidence Collection Team
  - D) Neighborhood Coordination Officer.

1. C) 212-125, Steps 6 through 12. Yes, print 61s and DIRs at start of tour and deliver to CVAP-Advocate, but not all. What's missing is the exception at the end of step 9; "except for sex crimes and any crimes including child victims..."
2. A) 212-126, Steps 3 through 9. Desk notifies Ops, that's pretty much it. B) is the duty of Operations, C) & D) are the duty of the Duty Chief.
3. C) 212-127, Step 15 a. through c. Whenever you see a substep numbered "a., b., c." expect them to throw in a "d." on the test.

<b>DESK OFFICER</b>	15.	Determine if a daylight canvass is necessary after reviewing the following:
<b>FIRST PLATOON</b>	a.	<b>COMPLAINT REPORT (PD313-152)</b> narrative,
	b.	Audio recording of gunshot detection alert, and
	c.	ICAD job assignment narrative.
		▶ <del>xxxxxxxx</del>

4. D) 212-127, Step 17. NCO is directed to do daylight search by the 1<sup>st</sup> platoon D.O. In 213-12, it's ESU. Crime Scene and ECT are mentioned in the procedure but don't let that throw you off. They're requested by the Patrol Supervisor during the initial response (Step 10).

## 212-125 Crime Victim Assistance Program (CVAP)

### New Actors

#### CVAP Advocate (CVAP-A)

- Crime victim & domestic violence advocate; provides support to victims *after* crimes are reported.
- Works *for* SafeHorizon, works *in* Pct/PSA.

#### Community Assistant (CMOS-A)

- CMOS who is a clerical assistant to the CVAP Advocate.

### The Steps

#### Operations Coordinator

- Supervise command CVAP Program (**PRAA** assists in this supervision).
- Confer with Police Academy Vest Unit to procure protective vest for CVAP-A.
  - Comply with 204-18 & 204-19 re; Vests and store vests in a secure location, as appropriate.
  - Direct CVAP-A to wear vest while on visits with DVOs or NCOs.
  - CVAP-A *doesn't* go on visits where there's an open 61 or a wanted perpetrator may be present.

#### Desk Officer

- You make CLE for CVAP-A when PFD, EOT & when they leave/return to Pct/PSA for *any* reason.

#### Community Assistant (CMOS-A)

**Key Note:** It does **not** tell the D.O. to make such a CLE for CMOS-A

- Report to desk at commencement and end of tour & advise when leaving command for *any* reason.
- Review 61s and DIRs in FORMS at start of tour, then print and deliver them to CVAP daily;
  - Don't print 61/DIR for sex crimes or crimes with child victims.
- Send outreach letters to crime victims, as appropriate.
  - Create and update a spreadsheet with 61 #s and when & where outreach letters were sent.
  - Send spreadsheet to borough designee weekly.
- Answer telephone in CVAP office promptly, stating in a courteous manner, command, Crime Victim Assistance Program, rank/title, surname, and, "May I help you?"

#### Domestic Violence Sergeant

- Ensure CVAPa accompanies DVO or NCO on home/other visits (except if open 61 or wanted perp).
- Liaise with CVAPa when referral to social services or other assistance is needed.
- Coordinate community outreach with CVAPa

#### Detective Squad Member

- Liaise with CVAP Advocate, as appropriate.
- Notify your boss, CVAPa, & C.O., if CVAPa contacting a victim could negatively affect investigation

## UMOS

- Refer victims to CVAPa directly as appropriate & give CVAP handout explaining available resources.

## Commanding Officer

- Sign outreach letters as appropriate (designate X.O. to sign when unavailable).

## **212-126 (the old 212-66) Requests to Help FEDS do Immigration Enforcement**

### **Definitions**

- CITY PROPERTY Any real property leased or owned by the city that serves a city governmental purpose and over which the city has operational control.
- CITY RESOURCES Including, but not limited to, time spent by MOS on duty, or use of city property
- IMMIGRATION ENFORCEMENT Enforcement of any civil provision of the Immigration and Nationality Act and any provision that penalizes person's presence in, entry or reentry into the US

### **Rule**

- May NOT use city resources to support or assist in immigration enforcement except as below:
- When the FEDS (non-local law enforcement) ask OR an MOS proposes our help by providing city resources like traffic control, vehicle escorts, site security, etc. to assist in immigration enforcement;

### MOS Receiving Request

- Notify D.O, cmd of occurrence with details; Agency requesting, Type of assistance requested and reason.

### D.O. Command of Occurrence

- Notify Operations Unit and provide details of request, make CLE with pertinent details.

### **Notes**

- In emergency, decision to support non-local law enforcement will be made by highest ranking UMOs at scene, or if no supv, **senior UMOs** who must immediately notify Operations Unit of this decision.
- Any regular enforcement (state/local law) at the scene of an immigration enforcement incident, the highest rank at the scene must notify Operations.
- Notification not necessary where;
  - Performing in a cooperative agreement, such as a task force not primarily about immigration.
  - Request from DHS for detention/advance notice of release of perp beyond state/local time.

## 212-127 Gunshot Detection

### UMOS

- Respond and canvass for perps, victims, evidence, witnesses & ensure BWC is activated.
- Ascertain whether alert is confirmed or unconfirmed and take police action, as appropriate.

### **Confirmed activations:**

- Person shot or evidence of such (blood or blood trail), ballistics or firearms evidence, property damage from gunfire, 1 or more, 911 call(s) for shots fired, or an eye/earwitness to the shooting.
  - If necessary, establish crime scene.
- Notify patrol supervisor and Communications whether alert is confirmed or unconfirmed.
- Safeguard potential evidence of possible shooting. Request TARU to retrieve video evidence.
- Prepare 61 for **ALL** alerts (confirmed or unconfirmed), and leave **OPEN** to precinct detective squad.
  - Confirmed or not, in “Narrative” put; gunshot detection alert & check caption “Shots Fired.”
  - **Unconfirmed**, classify as “Investigate Gunshot Detection Alert,” and indicate cause if known.
  - Confirmed alerts, classify complaint as appropriate.
- Ensure ICAD job number is entered on all forms and documents prepared.

### Patrol Supervisor

- Respond to **confirmed** alerts and notify & request response of PDS & C.O/X.O/Duty Capt
- Also request CSU or ECT, as appropriate.
- Notify desk officer and provide pertinent details.

### Desk Officer

- For confirmed alerts, update Operations, Patrol borough, and Pct/PSA/TD C.O/X.O/Duty Captain

### C.O/X.O/Duty Captain

- Respond to all confirmed alerts & supervise response.
- Ensure a thorough canvass for evidence and victims is conducted.

### 1<sup>st</sup> Platoon Desk Officer

- Determine if daylight canvass is necessary after reviewing narratives of ICAD & 61 and audio of alert.
- Review all 61s for previous 24 hours and ensure **all** gunshot alerts are **open** to the squad.
  - If 61 says no evidence was recovered, review alert and see if there were additional 911 calls.
- Direct neighborhood coordination officer to conduct daylight canvass, if necessary.

3 things to consider...

### Neighborhood Coordination Officer

- Open companion case for confirmed alerts in Enterprise Case Management System (ECMS).
- Conduct daylight canvass for cameras, ballistics, witnesses, etc., if necessary.

### Commanding Officer

- Review alert reports to ID problematic locations that may require deployment of additional resources.
- Document possible chronic false alerts and notify Information Technology Bureau (ITB).

### **212-128 Extreme Risk Protection Order (Take their Guns)**

ERPO is an OOP prohibiting purchase or possession/attempt of a firearm.

- If RCTB a person has access to or intends to acquire a firearm AND is likely to engage in conduct that would be of serious harm to self or others, seek Extreme Risk Protection Order (ERPO).

### UMOS

- Determine if serious harm is likely after considering relevant factors, including, but not limited to:
  - Threat or act of violence, use of physical force, stalking, menacing,
  - Violation (or alleged) of an OOP. History of violating an ERPO,
  - Pending charge or conviction for a weapon offense. Reckless use or display of a firearm,
  - Evidence of recent or ongoing use of a controlled substance / alcohol,
  - Evidence of acquiring, or attempting to acquire, a firearm, or other deadly weapon, within the preceding 6 months, and one or more of the factors listed above.
- Above factors not automatic. Weigh them & other relevant info to assess if they're a serious harm.
- Take appropriate police action if criminal conduct or, if appropriate, EDP 'em (221-13).
- Ascertain if respondent owns, possesses, or has access to a firearm, and if so, determine location.
- Go with 208-36, "Dom Viol," if seizing gun in domestic incident from a permit/license holder.
- Do interviews, get statements and all other evidence to present when applying for an ERPO.
- Confer with immediate supervisor and articulate basis for believing they're a danger...
  - Whether or not an ERPO is sought, record your findings, and basis for such, **in A/L**.

### Immediate Supervisor

- Ensure appropriate police action is taken. Evaluate, confirm, and record all information obtained.
- Determine if there's reasonable cause the individual is likely to be a serious harm to self/others.
- If reasonable cause is established, notify C.O/X.O/Duty Captain and provide details.

C.O/X.O/Duty Captain

Civil Enforcement Unit.

- Evaluate info re; request for ERPO & confer with CEU, Mon-Fri, 0700x1700
  - Contact Legal Bureau for assistance, Monday through Friday, from 1700 to 2300 hours.
  - Contact duty attorney for assistance, via Operations, Mon-Fri, 2300 to 0700, and on weekends.
- Direct immediate supervisor to notify License Division, Incident Section, of applications for ERPO.
  - Direct notification to be made next business day, if License Division is unavailable.
- Ensure immediate supv directs UMOS to contact CEU to prepare ERPO application.
  - If assistance required Mon- Fri, 1700 to 0700 or on weekends, comply with contact info above
- UMOS shall record their findings, and basis for such, in A/L, whether or not an ERPO is sought.

UMOS

- Contact CEU for preparation of application for ERPO, and provide pertinent details.
  - If assistance required Mon-Fri, 1700x0700, or weekends, comply with contact info above.

**In a Nutshell, so far;**

Cop calls Sgt, Sgt calls Capt, Capt calls CEU (initially!)

**Calling CEU**

- Captain calls CEU first.
- Then, Captain ensures Sgt directs Cop to call CEU,
- Sgt does what the Capt just told him to do above; directs Cop to call CEU,
- Cop calls CEU –**Test Day**, remember this: Sgt does NOT call CEU!!

**Calling the License Division**

- However, the Sgt DOES call the License Division (at the direction of the Captain)

First there’s a Temporary ERPO Hearing, then a Final one. The steps for the UMOS are the same.

- Appear at Temporary/Final hearing & notify immediate supervisor, without delay, if Order granted.
- Respond to location indicated on Order & attempt to personally serve the following court documents:
  - Temporary/Final Extreme Risk Protection Order,
  - Notification of Hearing for Final Extreme Risk Protection Order,
  - Respondent Listing of Firearms, Rifles and Shotguns,
  - Denial Order, and/or
  - Other court related documents, as necessary.
- Request respondent to sign court documents & immediately surrender all firearms in their possession.
  - Comply with 221-17, “Search Warrant Execution,” if ERPO is a “Search Order”

Notify D.O. if unable to personally serve.

## **Temporary\* ERPO Granted**

### Desk Officer

- Ensure a UMOS goes to location for 3 consecutive tours & attempts to serve those 5 court documents;
- Notify CEU after 3 unsuccessful attempts & ensure entries are made in the Order of Protection log.

## **Temporary\* ERPO Served**

### UMOS

- Complete appropriate fields on related court documents.
- Forward completed court documents to CEU & make A/L entry with pertinent details.
- If firearm recovered, voucher in PETS as per 218-23, "Processing Firearms," & put in Remarks;  
FIREARMS SHALL NOT BE RELEASED WITHOUT WRITTEN AUTHORIZATION OF C.O, LICENSE DIV.

\*For some reason, probably an oversight, these steps do NOT appear after a **Final** ERPO is granted or served...

## **There will be a final ERPO hearing, whether temporary Order is approved or denied.**

- If a temporary ERPO is denied, the respondent must be served with a Denial Order, and a notice to appear at a final ERPO hearing. The UMOS shall be guided by CEU if Order is denied.
- CEU ensures a Department Attorney appears with the UMOS at the hearing for Final ERPO.
- License Division does the background checks.

### Property Clerk

- Retain firearms for at least 2 yrs. Do not release w/o written authorization from C.O, License Div.

## **Request to Serve ERPO by Other than a UMOS**

### UMOS

- Accept request to serve ERPO & related court docs and email and/or fax to command concerned.

### Desk Officer

- Assign UMOS to serve ERPO and related court documents.
  - Ensure compliance with provisions of this procedure in regard to the service of ERPO.
- Notify Civil Enforcement Unit and License Division, Incident Section, upon receiving request.

### Additional Data

## **The Department has broad authority to remove firearms from license/permit holders.**

- Neither an ERPO, nor prior conferral with Lic Div required to remove firearms and a license/permit.
- Public safety is the overriding concern when considering the removal of a licensed firearm.
- To maximize safety, comply with 221-14, "Hostages," and 221-13, "EDPs," as necessary.
- With RCTB a person is an imminent harm to self or others, and probable cause they have a gun ON them, or readily accessible, you may search for the limited purpose of retrieving such firearm.
  - An ERPO is not required to conduct a search where exigent circumstances exist.
- SSAs confer with school administrators if RCTB a student is serious harm to self or others.