

Declaration of Heidi Grossman

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X

FLOYD, et al.,

Plaintiffs,

-against-

**DECLARATION OF
HEIDI GROSSMAN**

08 Civ. 1034 (SAS)

CITY OF NEW YORK, et al.,

Defendants.

-----X

HEIDI GROSSMAN DECLARES, pursuant to 28 U.S.C. 1746, under penalty of perjury, that the following is true and correct:

1. I am an Assistant Corporation Counsel in the office of the Michael A. Cardozo, Corporation Counsel of the City of New York, attorney for defendants in the above action. As such, I am familiar with the facts stated below and submit this declaration in support of defendant's motion for summary judgment pursuant to F.R.C.P. 56. The following are true and correct copies of:

2. Exhibit A: The Stop, Question and Frisk Report Worksheet (revised 11-02) ("UF250 form") (Bates No. NYC-00005407-08);

3. Exhibit B: The Department Policy Regarding Racial Profiling (Operations Order Number 11 dated 03-13-02)("Racial Profiling Policy") (Bates No. NYC-00008222);

4. Exhibit C: Audit Protocols, as set forth in Memo dated December 23, 2002 entitled "Introduction of Self Inspection Worksheets #802-"Stop, Question and Frisk Report Worksheet" and #802A-"Police Initiated Enforcement" (Bates No. NYC 037890-NYC 037896);

5. Exhibit D: NYPD Patrol Guide 202-15 "Duties and Responsibilities" of an Integrity Control Officer ("PG 202-15")(Bates No. NYC_2_00011842-43);

6. Exhibit E: Complete copy of the Stop Question and Frisk Summary (Citywide) 2008 3rd Quarter reviewed, Bates No. NYC00004305-4318 and the first pages of the Stop Question and Frisk Summary (Citywide) between 2003 and 2009 ("Audit Summaries") 2003 1st Quarter reviewed, Bates No. NYC 60001, Stop Question and Frisk Summary (Citywide) 2004 1st Quarter reviewed, Bates No. NYC060015, 2005 4th Quarter reviewed, Bates No. NYC060029, Stop Question and Frisk Summary (Citywide) 2006 4th Quarter reviewed, Bates No. NYC_2_00000767, Stop Question and Frisk Summary (Citywide) 2007 3rd Quarter reviewed, Bates No. NYC-00004287, Stop Question and Frisk Summary (Citywide) 2008 3rd Quarter reviewed, Bates No. NYC00004305, Stop Question and Frisk Summary (Citywide) 2009 3rd Quarter reviewed, Bates No. NYC_2_00018524;

7. Exhibit F: Rating Parameters Stop Question and Frisk Worksheet #802 (Bates No. NYC_2_00007317);

8. Exhibit G: Patrol Guide 212-11 "Stop and Frisk" (rev. 03-03) (Bates No. NYC 00005421-423);

9. Exhibit H: NYPD Internal Memos (with attachments) between December 2008 and February 2009, Corrections Made Regarding Deficiencies Noted During QAD Evaluation (Bates No. NYC_2_00006389-6406);

10. Exhibit I: Summary excerpt of Analysis of Racial Disparities in the New York Police Department's Stop, Question and Frisk Practices, November 20, 2007 ("Rand Summary") at pp. xi-xvii;

11. Exhibit J: NYPD Letter dated November 15, 2010, to the Honorable Christine C. Quinn;
12. Exhibit K: Street Encounters Legal Issues (“memobook insert”) (Bates No. NYC-00005428-29);
13. Exhibit L: Patrol Guide 202-17 “Duties and Responsibilities” of a Patrol Supervisor (“PG 202-17”) (Bates No. NYC 00011852-53);
14. Exhibit M: Patrol Guide 202-21 “Duties and Responsibilities” of a Police Officer (“PG 202-21”) (Bates No. NYC_2_00011851);
15. Exhibit N: Excerpts of NYPD Supervisor’s Guide – Monitoring and Assistance Programs (Bates No. NYC_2_00006340; NYC_2_00006346-6349; NYC_2_00006358);
16. Exhibit O: Excerpts of Compstat Report Covering the Week of October 27, 2008-November 2, 2008 (Bates No. NYC_2_00006238-00006257);
17. Exhibit P: Letter from Heidi Grossman to Andrea Costello, Esq. at the Center for Constitutional Rights, dated September 20, 2007, in *Daniels, et al. v. The City of New York, et al.*, 99 Civ. 1695 (SAS);
18. Exhibit Q: Excerpts from “Crime and Enforcement Activity in New York City (Jan.1-Dec.31, 2008)” (Bates No. NYC_2_00004472, NYC_2_00004491) and excerpts from “Crime and Enforcement Activity in New York City (Jan.1-Dec.31, 2009)” (available at http://www.nyc.gov/html/nypd/downloads/pdf/analysis_and_planning/YearEnd2009EnforcementReport.pdf), page 15 of 16;
19. Exhibit R: Letter from David M. Hazan to the Honorable Shira A. Scheindlin, dated May 11, 2009, in *Floyd v. City of New York, et al.*, 08 Civ. 1034 (SAS);

20. Exhibit S: Letter from David M. Hazan to Darius Charney, Esq., dated August 3, 2009, in *Floyd v. City of New York, et al.*, 08 Civ. 1034 (SAS); and

21. Exhibit T: E-mail from Darius Charney to David Hazan, dated August 7, 2009.

Dated: New York, New York
February 2, 2011

MICHAEL A. CARDOZO
Corporation Counsel of the
City of New York
Attorney for Defendants
100 Church Street
New York, New York 10007
(212) 788-0792

By:



Heidi Grossman
Assistant Corporation Counsel
Special Federal Litigation Division

cc: Via Email
Darius Charney, Esq.
Center for Constitutional Rights
666 Broadway, 7th Floor
New York, NY 10012

Exhibit A



POLICE STUDENT'S GUIDE

Policing Legally: Street Encounters

STOP, QUESTION AND FRISK WORKSHEET (SIDE ONE)

(COMPLETE ALL CAPTIONS)

STOP, QUESTION AND FRISK REPORT WORKSHEET <small>PD344-151A (Rev. 11-02)</small>		Pct. Serial No.	
		Date	Pct. Of Occ.
Time Of Stop	Period Of Observation Prior To Stop	Radio Run/Sprint #	
Address/Intersection Or Cross Streets Of Stop			
<input type="checkbox"/> Inside	<input type="checkbox"/> Transit	Type Of Location	
<input type="checkbox"/> Outside	<input type="checkbox"/> Housing	Describe:	
Specify Which Felony/P.L. Misdemeanor Suspected			Duration Of Stop
What Were Circumstances Which Led To Stop? (MUST CHECK AT LEAST ONE BOX)			
<input type="checkbox"/> Carrying Objects In Plain View Used In Commission Of Crime <small>e.g., Slim Jim/Pry Bar, etc.</small>		<input type="checkbox"/> Actions Indicative Of Engaging In Drug Transaction.	
<input type="checkbox"/> Flee Description.		<input type="checkbox"/> Furtive Movements.	
<input type="checkbox"/> Actions Indicative Of 'Casing' Victim Or Location.		<input type="checkbox"/> Actions Indicative Of Engaging In Violent Crimes.	
<input type="checkbox"/> Actions Indicative Of Acting As A Lookout.		<input type="checkbox"/> Wearing Clothes/Disguises Commonly Used In Commission Of Crime.	
<input type="checkbox"/> Suspicious Bulge/Object (Describe)			
<input type="checkbox"/> Other Reasonable Suspicion Of Criminal Activity (Specify)			
Name Of Person Stopped		Nickname/ Street Name	Date Of Birth
Address		Apt. No.	Tel. No.
Identification <input type="checkbox"/> Verbal <input type="checkbox"/> Photo I.D. <input type="checkbox"/> Refused			
<input type="checkbox"/> Other (Specify)			
Sex: <input type="checkbox"/> Male <input type="checkbox"/> Female Race: <input type="checkbox"/> White <input type="checkbox"/> Black <input type="checkbox"/> White Hispanic <input type="checkbox"/> Black Hispanic <input type="checkbox"/> Asian/Pacific Islander <input type="checkbox"/> American Indian/Alaskan Native			
Age	Height	Weight	Hair Eyes Build
Other (Scars, Tattoos, Etc.)			
Did Officer Explain If No, Explain: Reason For Stop			
<input type="checkbox"/> Yes <input type="checkbox"/> No			
Were Other Persons Stopped/ Questioned/Frisked?		<input type="checkbox"/> Yes <input type="checkbox"/> No	If Yes, List Pct. Serial Nos.
If Physical Force Was Used, Indicate Type:			
<input type="checkbox"/> Hands On Suspect		<input type="checkbox"/> Drawing Firearm	
<input type="checkbox"/> Suspect On Ground		<input type="checkbox"/> Baton	
<input type="checkbox"/> Pointing Firearm At Suspect		<input type="checkbox"/> Pepper Spray	
<input type="checkbox"/> Handcuffing Suspect		<input type="checkbox"/> Other (Describe)	
<input type="checkbox"/> Suspect Against Wall/Car			
Was Suspect Arrested?		Offense	Arrest No.
<input type="checkbox"/> Yes <input type="checkbox"/> No			
Was Summons Issued?		Offense	Summons No.
<input type="checkbox"/> Yes <input type="checkbox"/> No			
Officer In Uniform?		If No, How Identified? <input type="checkbox"/> Shield <input type="checkbox"/> I.D. Card	
<input type="checkbox"/> Yes <input type="checkbox"/> No		<input type="checkbox"/> Verbal	



POLICE STUDENT'S GUIDE

Policing Legally: Street Encounters

STOP, QUESTION AND FRISK WORKSHEET (SIDE TWO)

Was Person Frisked? Yes No **IF YES, MUST CHECK AT LEAST ONE BOX**
 Inappropriate Attire - Possibly Concealing Weapon Furtive Movements
 Verbal Threats Of Violence By Suspect Actions Indicative Of Engaging In Violent Crimes
 Knowledge Of Suspects Prior Criminal
 Violent Behavior/Use Of Force/Use Of Weapon
 Other Reasonable Suspicion Of Weapons (Specify) _____
 Was Person Searched? Yes No **IF YES, MUST CHECK AT LEAST ONE BOX** Hard Object Admission Of Weapons Possession
 Outline Of Weapon Other Reasonable Suspicion Of Weapons (Specify) _____
 Was Weapon Found? Yes No **IF YES, DESCRIBE:** Pistol/Revolver Rifle/Shotgun Assault Weapon Knife/Cutting Instrument
 Machine Gun Other (Describe) _____
 Was Other Contraband Found? Yes No **IF YES, DESCRIBE CONTRABAND AND LOCATION** _____
 Demonor Of Person After Being Stopped
 Remarks Made By Person Stopped _____
Additional Circumstances/Factors: (Check All That Apply)
 Report From Victim/Witness
 Area Has High Incidence Of Reported Offense Of Type Under Investigation
 Time Of Day, Day Of Week, Season Corresponding To Reports Of Criminal Activity
 Suspect Is Associating With Persons Known For Their Criminal Activity
 Proximity To Crime Location
 Other (Describe) _____
 Evasive, False Or Inconsistent Response To Officer's Questions
 Changing Direction At Sight Of Officer/Flight
 Ongoing Investigations, e.g., Robbery Pattern
 Sights And Sounds Of Criminal Activity, e.g., Bloodstains, Ringing Alarms

Pct. Serial No. _____ Additional Reports Prepared: Complaint Rpt. No. _____ Juvenile Rpt. No. _____ Aided Rpt. No. _____ Other Rpt. (Specify) _____
 REPORTED BY: Rank, Name (Last, First, M.I.) _____
 Print _____ Signature _____ Tax# _____ Command _____
 REVIEWED BY: Rank, Name (Last, First, M.I.) _____
 Print _____ Signature _____ Tax# _____ Command _____

Exhibit B



OPERATIONS ORDER

SUBJECT: DEPARTMENT POLICY REGARDING RACIAL PROFILING

DATE ISSUED:

NUMBER:

03-13-02

11

1. The New York City Police Department is committed both to the impartial enforcement of law and the protection of Constitutional rights. Therefore, to emphasize these commitments and to ensure all members of the service engage only in constitutionally sound policing practices, the Department prohibits the use of racial profiling in law enforcement actions. Racial profiling is defined as the use of race, color, ethnicity or national origin as the determinative factor for initiating police action.

2. All police-initiated enforcement actions, including but not limited to arrest, stop and question, and motor vehicle stop, will be based on the standards required by the Fourth Amendment of the U.S. Constitution or other applicable law. Officers must be able to articulate the factors which led them to take enforcement action, in particular those factors leading to reasonable suspicion for a stop and question, or probable cause for an arrest. Officers are also reminded that the use of characteristics such as religion, age, gender, gender identity, or sexual orientation as the determinative factor for taking police action is prohibited.

3. While performing their duties, members are reminded that this policy in no way precludes them from taking into account the reported race, color, ethnicity, national origin, religion, age, gender, gender identity, or sexual orientation of a specific suspect in the same way the member would use pedigree information, e.g., height, weight, age, etc., about specific suspects.

4. Commanding Officers will establish a self-inspection protocol within their command to ensure that the contents of this order are complied with. The Quality Assurance Division will include compliance with this directive in all of its command inspections. Performance in this area will also be included in Compstat review.

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

BY DIRECTION OF THE POLICE COMMISSIONER

DISTRIBUTION

All Commands

NYC-00008222

Exhibit C

QAD # 493-2, s.02

**POLICE DEPARTMENT
CITY OF NEW YORK**

December 23, 2002

From: Deputy Commissioner, Strategic Initiatives
To: Chief of Department
Subject: INTRODUCTION OF SELF INSPECTION WORKSHEETS #802 -"STOP, QUESTION AND FRISK REPORT WORKSHEET" AND #802A - "POLICE INITIATED ENFORCEMENT"

1. In order to evaluate compliance with Operations Order #11s. 02, a two (2) part procedure is being implemented immediately. The first part involves an examination, by the Quality Assurance Division, of information reported by commands on Stop, Question and Frisk Report Worksheets (PD344-151A). The second part involves the monitoring by command Integrity Control Officers of other police initiated enforcement and the Quality Assurance Division evaluating the documentation of that monitoring. The procedure is detailed below.

2. Stop, Question and Frisk Report Worksheets: In order to evaluate the quality of Stop, Question and Frisk Report Worksheets a new self-inspection(#802) (see attached)) has been created. The utilization of this worksheet will provide a means to evaluate if the Stop, Question and Frisk Report Worksheet has been properly prepared and reviewed in accordance with Patrol Guide Procedure 212-11. The self-inspection will examine the Stop, Question and Frisk Index Coversheet (PD344-152) and twenty-five (25) Stop, Question and Frisk Reports to determine the following:

- a) That a photocopy is maintained in a binder at the desk, attached to the Index Coversheet). Captions on the Index Coversheet will also be examined.
- b) That precinct serial numbers are properly entered and photocopies are forwarded to precinct detective squads.

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c) That all applicable captions have been completed, with added emphasis placed on supervisor's review and captions documenting a Level III type of encounter ("Specify Felony/Misdemeanor Suspected" and "What Were Circumstances Which Lead To Stop")

d) That members of the service are making the required Activity Log entries, detailing the circumstances of the stop.

3. **Police Initiated Enforcement:** A second self-inspection (#802-A) (see attached) entitled "Police Initiated Enforcement" has been created. This self-inspection will be utilized in conjunction with the self-inspection entitled "Stop, Question and Frisk Report Worksheet," to evaluate compliance with the directives mandated in Operations Order 11s, 02. This self-inspection must be performed by command Integrity Control Officers and/or Assistant Integrity Control Officers. It involves the reviewing of Arrest Reports resulting from self-initiated arrests where police initiated enforcement is likely, such as CPCS, CPW and those arrests where PSNY is the complainant. The Quality Assurance Division will evaluate the command's compliance with this procedure. Command Integrity Control Officers and/or Assistant Integrity Control Officers will be required to do the following:

- The last five (5) arrest reports for the month which result from self-initiated arrests where PSNY is the complainant, as stated above, will be reviewed and copies will be maintained in a folder for Q.A.D. evaluation. Any deficiencies noted, including but not limited to, no Stop, Question and Frisk Report prepared for a stop situation pursuant to a Level III type of encounter, will be documented on this worksheet.

4. In order to satisfy the requirements outlined in Operations Order 11s.02 commands are mandated to complete both self-inspections on a monthly basis. A Finest Message has been transmitted to inform commands of this new mandated procedure.

5. The attached worksheets should immediately be distributed to all affected commands to ensure compliance.

6. For your attention.



Michael J. Farrell

DEPUTY COMMISSIONER

MJF:PJC:JC:JPL:dr

(12/2002)

Page 1 of 3

COMMAND: _____

Worksheet # 802

SUBJECT: STOP, QUESTION AND FRISK REPORT WORKSHEET (PD 344-151A)

DATE(s) OF EVALUATION: _____ PERIOD EVALUATED: _____

EVALUATED BY: _____ / _____
 (Rank) Printed Name/Signature

COMMAND REVIEWING OFFICER: _____ / _____
 (Rank) Printed Name/Signature

COMMAND RATINGS: (Circle One) Superior Good Needs Improvement Inadequate

REFERENCE: P.G. 212-11, Street Encounters - Legal Issues (PD344-153)

The STOP, QUESTION AND FRISK REPORT WORKSHEET must be prepared in EVERY STOP situation pursuant to a LEVEL III Type of Encounter as described in activity log insert - Street Encounters - Legal Issues (PD344-153). However, the STOP, QUESTION and FRISK REPORT WORKSHEET is not prepared where the officer makes a summary arrest or issues a summons for an observed violation unless the suspect was initially stopped for investigation pursuant to a Level III Type of Encounter. Additionally, ACTIVITY LOG entries, detailing the circumstances of the stop, MUST also be prepared in all such encounters.

1. Is a Stop, Question and Frisk Report Worksheet Binder, with photocopies of the reports, maintained at the Desk, as per P.G.212-11? Yes _____ No _____
 2. Does the binder also include the required Stop, Question and Frisk Index Coversheet (PD344-152)? Yes _____ No _____
 3. Select the last twenty-five (25) Stop, Question and Frisk Report Worksheets (PD 344-151A) from the binder maintained at the Desk.
 4. Utilizing the Worksheet - page #3, ascertain the following information relative to these reports:
 - (A) Are all twenty-five (25) reports listed and applicable captions completed on the Stop, Question and Frisk Index Cover sheet including but not limited to a properly assigned Precinct Serial Number? Indicate: Yes or No on worksheet
 - (B) Are all twenty-five (25) of the reports filed in the binder and numerically correct according to the serial number? Indicate: Yes or No on worksheet
 - (B-1) Has a photocopy been forwarded to the Precinct Detective Squad? Indicate: Yes or No on worksheet
 - (C) Are all applicable captions completed on the Stop, Question and Frisk Report Worksheet (PD344-151A)? Indicate: Yes or No on worksheet
- **When answering Question (C) do not include captions which are included in Questions (C-1), (C-2), (C-3), (C-4) and (D) indicated below.
- (C-1) Is the crime indicated in the caption "Specify Felony/Misdemeanor Suspected?" Indicate on worksheet: * Yes/Does Meet F/M Suspected
 * Yes/Does Not Meet F/M Suspected
 No - If left blank

Note on worksheet if the crime indicated in the "Specify Felony / Misdemeanor Suspected" caption (does meet) or (does not meet) the requirement for a Level III Type of Encounter, as described in Activity Log Insert Street Encounters - Legal Issues (PD344-153). That requirement mandates that the crime suspected must be a felony or Penal Law misdemeanor.

(12/2002)

Page 2 of 3

(con't) # 802 - STOP, QUESTION AND FRISK REPORT WORKSHEET (PD 344-151A)

(C-2) Is at least one box checked for Caption "What Were Circumstances Which Lead To Stop" Indicate: Yes or No on worksheet

(C-3) Is the caption "Was Person Frisked" accurately completed?
Complete worksheet as follows:

Box "No" is checked - Since no additional boxes need to be checked, the caption is accurately completed, therefore - Indicate Yes on worksheet.

Box "Yes" is checked and no other boxes are checked - Since at least one additional box must be checked, the caption is not accurately completed, therefore - Indicate No on worksheet.

Neither "Yes" nor "No" boxes are checked - Indicate No on worksheet

(C-4) Is the caption "Was Person Searched" accurately completed?
Complete worksheet as follows:

Box "No" is checked - Since no additional boxes need to be checked, the caption is accurately completed, therefore - Indicate Yes on worksheet.

Box "Yes" is checked and no other boxes are checked - Since at least one additional box must be checked, the caption is not accurately completed, therefore - Indicate No on worksheet.

Neither "Yes" nor "No" boxes are checked - Indicate No on worksheet

(D) Are all captions for the Reviewing Supervisor (Name, Tax #, Command and Signature) completed? Indicate: Yes or No on worksheet

5. Utilizing the Worksheet - page #3, select the last five (5) Stop, Question and Frisk Reports and indicate the Precinct Serial Numbers and the name of the reporting officer below:

<u>Precinct Serial Number</u>	<u>Reporting Officer</u>
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

Examine Reporting Officer's Activity Log and indicate on worksheet if corresponding Activity Log Entries, detailing the circumstances of the stop, were made relating to the Stop Question and Frisk Report prepared?

Indicate: Yes or No on worksheet

Command - Comments/Recommendations for Improvement: (Use rear of this page if needed)

Worksheet # 892

Step, Question and Frisk Report Worksheet

"A" Listed on Cover sheet (PD344-152) (Serial # Assigned, and Applicable Captions completed)	"B" Photocopy in Binder? Serial # Correct, etc	"B-1" Photocopy to Precinct to Precinct Squad	"C" Are All Applicable Captions Completed (Exclude Captions Listed in Columns C-1, C-2, C-3, C-4, & D)	"C-1" Caption "Specify Which Felony/Misdemeanor Suspected"	"C-2" What were the Circumstances which lead to the Stop?	"C-3" Was person Frisked?	"C-4" Was person Searched?	"D" Reviewing Supervisor Captions (Name, Tax #, Command and Signature)	Check * Corresponding Activity Log entries (#21 through #25 only)
1.									
2.									
3.									
4.									
5.									
6.									
7.									
8.									
9.									
10.									
11.									
12.									
13.									
14.									
15.									
16.									
17.									
18.									
19.									
20.									
21.*									
22.*									
23.*									
24.*									
25.*									
Totals									

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Page 1 of 2

COMMAND: _____ WORKSHEET #802- A

SUBJECT: POLICE INITIATED ENFORCEMENT

EVALUATED BY: _____
(Rank) (Printed Name / Signature)

DATE(S) OF EVALUATION: _____ PERIOD
EVALUATED: _____

COMMAND REVIEWING OFFICER: _____
(Rank) (Printed Name/Signature)

COMMAND RATINGS: (Circle One) Superior Good Needs Improvement Inadequate

REFERENCE: P.G. 212-11 and Operations Order 11s., 02.

As indicated in Operations Order #11, s. 02 - "All police-initiated enforcement actions, including but not limited to arrest, stop and question, and motor vehicle stop, will be based on the standards required by the Fourth Amendment of the U.S. Constitution or other applicable law. Officers must be able to articulate the factors which led them to take enforcement action, in particular those factors leading to reasonable suspicion for a stop and question, or probable cause for an arrest. Officers are also reminded that the use of characteristics such as religion, age, gender, gender identity, or sexual orientation as the determining factor for taking police action is prohibited." In conjunction with Worksheet #802 - "Stop, Question and Frisk Report," this worksheet will be prepared by COMMAND INTEGRITY CONTROL OFFICERS OR ASSISTANT INTEGRITY CONTROL OFFICERS, to monitor compliance with the directives mandated in the above Operations Order and Patrol Guide Procedure 212-11.

Section # 1 (MUST BE PERFORMED BY COMMAND ICO OR ASSISTANT ICO)

Reviewing of arrest reports from self-initiated arrests (e.g. CPCS, CPW and those arrests where PSNY is the complainant on the Complaint Report)

ICO and/or Assistant ICO will review the last five (5) different arrest incidents for the month. Copies of all OLBS reviewed will be kept in a folder labeled month/year, for review by QAD personnel. Indicate arrests reviewed below. Actions taken by the I.C.O./Assistant I.C.O. and any deficiencies noted, (including no Stop, Question and Frisk Report, when required), will also be documented below.

<u>Date of Arrest</u>	<u>Arrest Number</u>	<u>Arresting Officer</u>	<u>Top Charge</u>	<u>(Yes/No)</u> <u>Deficiency Noted</u>
1) _____	_____	_____	_____	_____
2) _____	_____	_____	_____	_____
3) _____	_____	_____	_____	_____
4) _____	_____	_____	_____	_____
5) _____	_____	_____	_____	_____

Indicate below actions taken by ICO or Assistant I.C.O. and any deficiencies noted - IF NONE STATE SO: (Use rear of form if needed)

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(con't) §92-A POLICE INITIATED ENFORCEMENT

Section # 2 (TO BE COMPLETED BY Q.A.D. PERSONNEL DURING EVALUATION)

1) Is the ICO/Assistant ICO completing all parts of section #1 of this report? _____

a) List any missing information in section #1:

2) Is the ICO/Assistant ICO documenting the review of five (5) OLBS reports per month?

a) If no, list the number documented for the month: _____

3) Are copies of the OLBS reports reviewed, kept in a monthly folder? _____

a) List any missing OLBS reports: _____

4) Is a copy of section#1 included in the monthly folder? _____

5) Are photocopies of Stop, Question and Frisk Reports, when applicable, kept in the monthly folder? _____

6) Are instances where it is indicated that deficiencies were noted, and/or disciplinary action taken, identified on the inspection? _____

List below any miscellaneous deficiencies noted during evaluation, not indicated above:

Exhibit D



PATROL GUIDE

Section: Duties and Responsibilities		Procedure No: 202-15	
COMMAND INTEGRITY CONTROL OFFICER			
DATE ISSUED 04/18/03	DATE EFFECTIVE 04/25/03	REVISION NUMBER 03-01	PAGE 1 of 2

COMMAND INTEGRITY CONTROL OFFICER

1. Perform NO DUTIES other than integrity control.
2. Perform duty regularly in one command.
3. Develop an Integrity Control Program suitable and responsive to command conditions.
4. Make recommendations to commanding officer concerning integrity control.
5. Observe command conditions and visit corruption prone locations frequently, at irregular hours. Keep commanding officer advised of conditions and possible corruption hazards.
6. Assist commanding officer in developing sources of information regarding integrity and corruption by maintaining rapport with members of the service (uniformed and civilian) and private citizens.
7. Instruct uniformed members of the service, during roll call training, on the proper methods of identifying, reporting and combating corruption.
8. Provide advice to commanding officers/unit commanders concerning appropriate penalties for violations of Department regulations.
9. Conduct investigations and submit reports in response to official communications received from the Internal Affairs Bureau and patrol borough investigations units when so assigned by commanding officer.
10. Compile, maintain and update "Confidential Performance Profile" of subordinate members. Verify the "Profile" annually with the Central Personnel Index of the Personnel Bureau, and forward all necessary "Profile" information to member's commanding officer when member is transferred.
11. Confer with all sergeants upon their assignment to the command and annually thereafter, apprising them of those members of the command who have significant negative information in their "Confidential Performance Profile."
12. Conduct CPI check when new members are assigned to command.
13. Inspect time cards, overtime records, property records, minor violations log, vending machine ledgers, etc.
14. Maintain records concerning the Integrity Control Program including a "Integrity Monitoring File" (see A.G. 322-33).
15. Review records relating to court appearances resulting in overtime.
16. Inspect and sign **ACTIVITY LOG (PD112-145)** of sergeants.
17. Inform local businessmen of Departmental policy and provisions of the Penal Law concerning corruption and gratuities.
18. Develop liaison with Internal Affairs Bureau and patrol borough investigations units to exchange information for self initiated anti-corruption programs.
19. Notify patrol borough investigations unit concerned regarding self initiated cases.

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PATROL GUIDE

PROCEDURE NUMBER	DATE EFFECTIVE	REVISION NUMBER	PAGE
302-15	04-25-03	03-01	2 of 2

**COMMAND
INTEGRITY
CONTROL
OFFICER**
(continued)

- 20. Verify Identification Section's printout of Criminal History Record Inquiries (name checks).
- 21. Delegate the annual issuance of Private Vehicle Plate Permits (Misc. 23N) to a responsible supervisor.
 - a. Have designated supervisor maintain a record of the issuance and return of parking permits in Department record book captioned as follows:

PERMIT NO.	DATE ISSUED	NAME OF MEMBER	VEHICLE		DATE RETURNED	REMARKS
			MAKE	PLATE #		

- 22. Check equipment and supplies regarding misuse or misappropriation.
- 23. Ascertain that computer integrity is maintained.
- 24. Conduct investigations when member of the service in the military fails to provide appropriate military contract and drill schedule to precinct timekeepers.
- 25. Physically inspect all Department radios assigned to command monthly to ensure accountability.
- 26. Identify all radios assigned outside of command on a permanent basis and confer with the commanding officer regarding the necessity for its continuance.
- 27. Debrief prisoners concerning corruption/serious misconduct, when possible.
- 28. Ensure accuracy of the license plates recorded on **CERTIFICATION OF PARKING SUMMONSES SERVED (PD160-146)** by performing random checks of summonses in accordance with established command self-inspection procedures.
- 29. Become well versed in the use of the computerized Accident System Index and its "AAMZ/AQIA screens".
- 30. Utilize the aforementioned "screens" to regularly scan **Police Accident Reports (MVI04AN)** for the following corruption indicators:
 - a. An inordinate amount of **Police Accident Reports (PAR's)** submitted by the same UMOS.
 - b. Discrepancies between the dates and times of submitted PAR's and those of UMOS scheduled tours.
 - c. Any **PAR** submitted by a command clerk and
 - d. Any **PAR** submitted by a UMOS assigned to an outside command, i.e. task force, bordering precinct, etc.
- 31. Conduct investigation when warranted and contact Fraudulent Accident Investigation Squad for assistance, if necessary, at [(718) 822-5280 (Bronx/Manhattan)] and [(718) 875-6287 (Brooklyn/Queens/Staten Island)].

NOTE Borough Investigations Units and the Borough Training Coordinator will conduct random inspections of unit training to ensure all members are receiving required training.