



PATROL GUIDE

Section: Arrests		Procedure No: 208-27	
DESK APPEARANCE TICKET - GENERAL PROCEDURE			
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PURPOSE

To issue a **DESK APPEARANCE TICKET** in lieu of detention.

DEFINITIONS

DESK APPEARANCE TICKET (DAT) - an appearance ticket issued in lieu of detention, at the direction of a desk officer, for misdemeanors, violations, and certain Class “E” felonies for hospitalized prisoners (see “*ADDITIONAL DATA*”).

UNCOOPERATIVE ACTIONS - Circumstances that occur during or subsequent to an arrest when the person and/or persons being arrested become completely limp or refuse to provide assistance in movement, or have to be carried from the arrest location, effectively taxing police resources during an arrest. Uncooperative actions alone would not support a charge of Resisting Arrest, though they may support a charge of Obstructing Governmental Administration 2nd Degree.

DAT LOG – Department record book, maintained by desk officer, captioned across a double page as follows:

(LEFT PAGE)

DAT Serial #	Arrest Date	Arrest #	Defendant’s Name	Charge(s)	Return Date	Arresting Officer
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(RIGHT PAGE)

Command	Tax #	Contact #	Date/Time DAT Package Received	Date/Time DAT Delivered to Borough	D.O. Initials
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PROCEDURE

When arresting a prisoner charged with a misdemeanor or violation:

ARRESTING OFFICER

1. Comply with appropriate arrest processing guidelines and remove prisoner to precinct of arrest/designated arrest facility and advise desk officer of facts.

DESK OFFICER

2. Inform prisoner that he/she may be issued a **DESK APPEARANCE TICKET**, if qualified.
 - a. Refer to *ADDITIONAL DATA* statement under heading, “*DESK APPEARANCE TICKET GUIDELINES*” for DAT issuance guidelines.
 - b. Refer to *ADDITIONAL DATA* statement under heading, “*UNLAWFUL POSSESSION OF MARIHUANA ARRESTS*”, if only charge against prisoner is Unlawful Possession of Marihuana (Penal Law section 221.05, violation) and the prisoner does not qualify for a summons.
3. Direct arresting officer to ascertain the defendant’s identity in accordance with *P.G. 208-28, “Identification Standards for Desk Appearance Tickets.”*
4. Direct arresting officer to conduct interview using **DESK APPEARANCE TICKET INVESTIGATION (PD360-091)**.

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IF INDIVIDUAL IS NOT DISQUALIFIED UNDER THE FIVE STEP ELIGIBILITY PROCESS:

- DESK OFFICER**
5. Ensure that Identification Section is conferred with to determine if prisoner has a previous conviction which would raise the current charge to a felony:
 - a. The current charge entered on the **ON-LINE BOOKING SYSTEM ARREST WORKSHEET (PD244-159)** will not be changed solely from information received by telephone.
 6. Ensure that arrest data is entered into the OMNIFORM System and the prisoner is fingerprinted immediately utilizing "LIVESCAN."
 - a. Arrest processing type "Desk Appearance Ticket" must be used, EXCEPT for those DAT(S) returnable to Community Court (Midtown or Red Hook), in which case arrest processing type "Community Court Desk Appearance Ticket" MUST be utilized.
 7. Have arresting/assigned officer complete all DAT arrest related paperwork while awaiting the results of the fingerprint check.
 8. Monitor the OMNIFORM system to determine if DAT has been approved:
 - a. Users will sign-on to OMNIFORM and select "DAT Processing"
 - b. Select "Awaiting DAT" from the drop-down menu
 - c. Enter Command in the "Search by Command" field
 - d. A list of DAT(S) currently being processed will be displayed
 - e. Review the "DAT OK" column for results
 - f. If the response reads "NO," a DAT must not be issued and the prisoner must be processed online
 - (1) If OMNIFORM DAT Arrest Info Screen indicates that the prisoner has warrants, is on parole/probation, is a recidivist, owes DNA, etc., the system will automatically preclude the desk officer from issuing a DAT.
 - g. If the response reads, "WAIT" the processing of the fingerprints is not complete and the member should check back at reasonable intervals
 - h. If the response reads "YES," click the "DAT" button
 - i. Assign **DESK APPEARANCE TICKET** serial number and complete appropriate captions in DAT Log.
 - j. Enter the Return Date (obtained as per borough guidelines), Time, Arraignment Part, DAT Serial Number and Court, in applicable captions
 - k. Select "Update" and review the DAT
 - l. Select the "Print" icon to print the DAT.
 9. Contact the borough court section to ascertain the status of the fingerprint check, if the OMNIFORM system indicates "Wait" after four hours from the time the prisoner was fingerprinted.
- BOROUGH COURT SECTION**
10. Determine the processing status of the prisoner's fingerprints and request that the Division of Criminal Justice Services expedites the required fingerprint search.

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- DESK OFFICER**
11. Inform prisoner of ineligibility for **DESK APPEARANCE TICKET** if:
 - a. Excluded by guidelines listed in ADDITIONAL DATA statement under heading, “DESK APPEARANCE TICKET GUIDELINES,” OR,
 - b. The prisoner fails the five-step eligibility process, OR,
 - c. The prisoner has a previous conviction which would raise the current charge to a felony.
 12. Inform prisoner not eligible for **DESK APPEARANCE TICKET** that he/she may be processed for bail.
 - a. Bail will not be accepted if the prisoner owes DNA.
 13. Direct issuance of **DESK APPEARANCE TICKET** if prisoner is eligible and is likely to appear in court on the return date.
 14. Request precinct detective squad or other investigative unit to debrief prisoner, if appropriate.
 15. Ensure that arrest processing officer, or other designated member, utilizes the computerized DAT system through any FINEST or LAN terminal which has OMNIFORM access, in accordance with the simplified DAT Issuance Procedures listed in step “8,” above.
 - a. Ensure the original DAT is signed by:
 - (1) Prisoner
 - (2) Issuing officer
 - (3) Desk officer.
 - b. Ensure that three photocopies of the DAT are prepared, and copies are filed as listed:
 - (1) Original - included in **DAT ARREST PACKAGE**
 - (2) Copy - defendant
 - (3) Copy - arresting officer/complainant
 - (4) Copy - command file.
 - c. Utilize snap-out version of **DESK APPEARANCE TICKET (PD260-121)** only if command does **not** have a computerized DAT system (FINEST or LAN terminal which has OMNIFORM access), or if such system becomes non-operational.
 - (1) Notify borough court section supervisor if snap-out version of DAT issued.
- ARRESTING OFFICER**
16. Make **DESK APPEARANCE TICKET** returnable to arraignment part of Criminal Court except if:
 - a. Returnable to Family Court
 - b. Necessary to permit arraignment of all prisoners in same Court Part
 - c. Returnable to Community Court.
 17. Enter name, address, and telephone number of civilian complainant, if any, in space marked “Additional Instructions” on original copy of **DESK APPEARANCE TICKET ONLY** (i.e., copy which is included in the **DAT ARREST PACKAGE (PD260-123)** forwarded to court).
 18. Deliver completed **DESK APPEARANCE TICKET** and arrest related documents in the **DAT ARREST PACKAGE** envelope to the desk officer.

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- DESK OFFICER**
19. Check all arrest related paperwork for completeness and accuracy.
 - a. Ensure that all required arrest paperwork is included in the **DAT ARREST PACKAGE** by utilizing the check boxes listed on the front of the envelope.
 20. Ensure a Prisoner Movement Slip, with digital photograph, is generated.
 - a. Two copies of the Prisoner Movement Slip must be included in the **DAT ARREST PACKAGE**.
 21. Attach printouts of all warrant checks conducted (as per *P.G. 208-22, "Performing Local, State and Federal Warrant Checks"*) to **DESK APPEARANCE TICKET INVESTIGATION** and include in **DAT ARREST PACKAGE**.
 22. Forward **DESK APPEARANCE TICKET INVESTIGATION**:
 - a. With **DAT ARREST PACKAGE** when issued, OR
 - b. To borough court section booking facility with escorting officer and prisoner, when not issued.

BOROUGH COURT SECTION

23. File "denied" **DESK APPEARANCE TICKET INVESTIGATION(S)** in a separate file by arrest date.

COMMANDS NOT UNDER PATROL SERVICES BUREAU, HOUSING BUREAU, OR TRANSIT BUREAU

SUPERVISOR CONCERNED

24. Forward completed **DAT ARREST PACKAGE** to the precinct, police service area, or transit district which issued the DAT serial number.
 - a. Ensure package is delivered by midnight (2400 hours) on date of arrest.
25. Notify desk officer of the command which issued the DAT serial number prior to midnight of reason for the delay (e.g., late arrest), if delivery of **DAT ARREST PACKAGE** cannot be completed by midnight.
 - a. Deliver package directly to appropriate patrol borough, housing borough, or transit borough, prior to the second platoon, if delivery of **DAT ARREST PACKAGE** cannot be completed by midnight.

**PRECINCT/
POLICE
SERVICE
AREA/TRANSIT
DISTRICT DESK
OFFICER**

26. Make a Command Log entry when notified by a supervisor from outside command that delivery of the **DAT ARREST PACKAGE** will not be completed by midnight on date of arrest.
 - a. Notate "PENDING" in the left margin of the **DESK APPEARANCE TICKET INDEX (PD260-122)**, next to appropriate DAT serial number.

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DELIVERY OF DAT ARREST PACKAGES TO BOROUGH

- PRECINCT/
POLICE
SERVICE
AREA/TRANSIT
DISTRICT DESK
OFFICER, FIRST
PLATOON**
27. Prepare **DESK APPEARANCE TICKET INDEX (PD260-122)**, listing all DAT(S) issued during the previous twenty-four hour period, in numerical order, by DAT serial number.
- a. Sign name in caption provided on bottom of form.
28. Direct a uniformed member of the service to deliver the **DESK APPEARANCE TICKET INDEX** and all **DAT ARREST PACKAGE(S)** to the Patrol Borough, Housing Borough, or Transit Borough, as appropriate, prior to 0100 hours.
29. Make Command Log entry including arrest number(s), DAT serial number(s), arresting officer, and messenger's rank and name.
- COMMAND
MESSENGER**
30. Safeguard and deliver the **DESK APPEARANCE TICKET INDEX** and all **DAT ARREST PACKAGES** to the applicable borough, as directed by the desk officer.
- a. Obtain receipt signature from the receiving borough member on **DESK APPEARANCE TICKET INDEX**.
31. Deliver command copy of **DESK APPEARANCE TICKET INDEX** to desk officer.
- PRECINCT/
POLICE
SERVICE
AREA/TRANSIT
DISTRICT DESK
OFFICER, FIRST
PLATOON**
32. File command copy of **DESK APPEARANCE TICKET INDEX**.
33. Enter disposition (i.e., date/time DAT(S) delivered to borough) of **DAT ARREST PACKAGE(S)** in applicable captions of DAT Log.
- PATROL/
HOUSING/
TRANSIT
BOROUGH
MEMBER**
34. Receipt for delivery of DAT(S) on the **DESK APPEARANCE TICKET INDEX**.
- a. File applicable copy of **DESK APPEARANCE TICKET INDEX**.
35. Prepare **DESK APPEARANCE TICKET TRANSMITTAL TO BOROUGH COURT SECTION (PD260-122A)**, listing all **DAT ARREST PACKAGE(S)** to be sent to borough court section.
36. Ensure that all **DAT ARREST PACKAGE(S)**, along with the **DESK APPEARANCE TICKET TRANSMITTAL TO BOROUGH COURT SECTION**, are delivered to the appropriate borough court section DAT office on the second platoon, Monday through Friday.
- ARRESTING
OFFICER**
37. Respond to Court Sign-In Room, if notified to appear at District Attorney's Complaint Room to draw up court complaint.
- a. Proceed to appropriate location as directed by court section personnel or as indicated on notification.

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ADDITIONAL DATA

OPERATIONAL CONSIDERATIONS

DAT issuance should **never** be based solely upon the OMNIFORM system checks. Members of the service must conduct checks required by this procedure prior to entering the **ON-LINE BOOKING SYSTEM ARREST WORKSHEET** into the OMNIFORM system. OMNIFORM does **not** conduct the warrant checks required by this procedure.

ISSUANCE OF DAT NUMBERS

DAT serial numbers will consist of a three-digit command code followed by a dash and the next sequential number, beginning with the number one each year. For example, the first DAT serial number issued by the 68 Precinct shall be 068-1.

The desk officer, command processing the arrest (i.e., precinct, police service area, or transit district), will assign all DAT serial numbers for **DESK APPEARANCE TICKETS** issued at the command, regardless of jurisdiction of arrest, or command of assignment of the arresting officer, etc.

DESK APPEARANCE TICKET GUIDELINES

A **DESK APPEARANCE TICKET** will not be issued in the following circumstances:

- a. Arrest on a warrant
- b. Below listed offenses unless prisoner is hospitalized (If **DESK APPEARANCE TICKET** is issued, notify borough court section concerned)
 - (1) Criminal possession of a weapon, 4th degree, **firearm only**, (Section 265.01, Penal Law)
 - (2) Manufacture, transport, disposition and defacement of weapons and dangerous instruments and appliances (Section 265.10, Penal Law)
 - (3) Prohibited use of weapons (Section 265.35, Penal Law, sub. 1 and 3)
 - (4) Jostling (165.25, Penal Law)
 - (5) Fraudulent accosting (Section 165.30, Penal Law) except if specifically charged with operating a "Three Card Monte" game
 - (6) Sexual abuse, 2nd degree (Section 130.60, Penal Law)
 - (7) Criminal impersonation, 2nd degree (Section 190.25, Penal Law, sub. 3)
 - (8) Promoting prostitution, 4th degree (Section 230.20, Penal Law)
 - (9) Loitering for the purpose of promoting prostitution (Section 240.37, Penal Law, sub. 3)
 - (10) Prostitution (Section 230.00, Penal Law)
 - (11) Patronizing a prostitute, 3rd degree (Section 230.04, Penal Law)
 - (12) Prostitution in a school zone (Section 230.03, Penal Law)
 - (13) Trademark counterfeiting, 3rd degree (Section 165.71, Penal Law)
 - (14) Arson, 5th degree (Section 150.01, Penal Law).
- c. Prisoners under the influence of drugs/alcohol to the degree that they may endanger themselves or others



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**ADDITIONAL
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- d. *Family offenses - complainant/victim and offender are members of the same family/household as defined in the Family Court Act or as defined in the expanded definition of a family/household in P.G. 208-36, "Family Offenses/Domestic Violence," AND:*
- (1) *Any offense is committed and an arrest is effected*
 - (2) *Offender has violated an Order of Protection*
 - (3) *Complainant/victim requests the opportunity to obtain an Order of Protection, OR the facts of the case indicate an immediate need to secure an Order of Protection because there is a strong possibility that violence against the complainant/victim will recur (e.g., past history of assaults against complainant/victim, statements made by the defendant, active present hostility against complainant/victim, etc.).*
- e. *Offender has violated an Order of Protection, OR complainant/victim requests the opportunity to obtain an Order of Protection, OR the facts of the case indicate an immediate need to secure an Order of Protection because there is a strong possibility that violence against the complainant/victim will recur (e.g., past history of assaults against complainant/victim, statements made by the defendant, active present hostility against complainant/victim, etc.)*
- f. *Arrest for Harassment 1st Degree (Penal Law 240.25, or Menacing 2nd Degree (Penal Law 120.14[2]) - "Stalking" offenses*
- g. *Arrest for Criminal Sale of Marihuana 4th Degree (Penal Law 221.40) or, Criminal Sale of Marihuana 5th Degree (Penal Law 221.35)*
- h. *Arrest for Assault 3rd Degree (Penal Law 120.00), Attempted Assault 3rd Degree (Penal Law 110/120.00), Menacing 2nd Degree (Penal Law 120.14), Menacing 3rd Degree (Penal Law 120.15), Harassment 1st Degree (Penal Law 240.25), Aggravated Harassment (Penal Law 240.30), and Reckless Endangerment 2nd Degree (Penal Law 120.20) when committed against a city/state enforcement agent performing official duty*
- i. *Arrest for violation of Section 1192, intoxication/impaired driving subdivisions (1), (2), (3) or (4) – Vehicle & Traffic Law (except **DESK APPEARANCE TICKET** may be issued to eligible prisoner, hospitalized more than twenty-four hours providing prisoner did not cause serious physical injury or death to another)*
- j. *Vehicle offenses:*
- (1) *Arrest for Attempted Grand Larceny 4th Degree (Penal Law 110/155.30); Class "A" Misdemeanor*
 - (2) *Intentionally damages a vehicle up to \$250 (window break) when in connection with attempt to steal auto, OR larceny of contents of auto (e.g., radio) - Class "A" Misdemeanor.*
- k. *Arrest for an offense which would constitute child abuse, neglect, or maltreatment (see P.G. 215-03, "Emergency Removals or Investigation and Reporting of Abused, Neglected or Maltreated Children" and P.G. 208-36, "Family Offenses/Domestic Violence")*
- l. *Misdemeanor Recidivists - when a warrant check printout indicates "Misdemeanor Recid Notify DA In ECAB"*
- m. *Aggravated Unlicensed Operation of a Motor Vehicle, 2nd Degree, (VTL 511 [2][a]; Misdemeanor, and 1st Degree, VTL 511 [3] [a]; Felony)*
- n. *Criminal Trespass, 3rd Degree (Penal Law 140.10), when in connection with a building utilized for commercial/office purposes*



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**ADDITIONAL
DATA
(continued)**

- o. Whenever a person is arrested for threatening, harassing or menacing a uniformed member of the service, an elected official or any other city, state or federal employee*
- p. Arrest for Unlawful Eviction (Administrative Code 26-521)*
- q. Arrest for Interference with Professional Sporting Event (Administrative Code Section 10-162); Unclassified Misdemeanor*
- r. Arrest for Resisting Arrest (Penal Law 205.30); Class "A" Misdemeanor*
- s. *Arrest for Obstructing Governmental Administration 2nd Degree (Penal Law 195.05); Class "A" Misdemeanor (see below)*
- t. Whenever the OMNIFORM DAT Arrest Info Screen indicates that the individual "owes DNA"*
- u. Fireworks offenses:*
 - (1) Arrest for the offering, selling or furnishing of fireworks valued at \$500 or more (Penal Law 270.00[2][a][ii]); Class "A" Misdemeanor*
 - (2) Arrest for the sale of dangerous fireworks, fireworks or sparkling devices to a person under the age of eighteen (Penal Law 270.00[2][a][iv]); Class "A" Misdemeanor.*
- v. Arrest for Sexual Misconduct (Penal Law 130.20), Forcible Touching (Penal Law 130.52), Sexual Abuse 2nd Degree (Penal Law 130.60) or 3rd Degree (Penal Law 130.55).*

**A person arrested for Obstructing Governmental Administration 2nd Degree may be issued a DAT if he/she engaged in uncooperative actions (see "DEFINITIONS") and is otherwise qualified.*

A DAT should not be issued to a person who uses mechanical means, i.e., a "sleeping dragon," chaining oneself to a stationary object, etc., to impede his/her removal and arrest processing.

If OMNIFORM DAT Arrest Info Screen indicates that the prisoner has warrants, is on parole/probation, is a recidivist, owes DNA, etc., the system will automatically preclude the desk officer from issuing a DAT.

*Under this procedure, a prisoner who is an admitted drug addict, and not undergoing treatment at a Methadone Treatment Center, will continue to be eligible for **DESK APPEARANCE TICKET** consideration.*

Issue DAT to an eligible prisoner who is otherwise considered "special category" as defined in P.G. 210-17, "Arrest Processing of Pre-Arrestment Prisoners Designated as 'Special Category'."

IDENTIFICATION STANDARDS

*P.G. 208-28, "Identification Standards for Desk Appearance Tickets" describes a sequential four step identification process to be followed during arrest processing in order to determine a defendant's eligibility for a **DESK APPEARANCE TICKET** and involves the following components:*

- a. Stricter Identification Standards*
- b. New York State Probation/Parole Status Inquiry*

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**ADDITIONAL
DATA
(continued)**

- c. Warrant Check/**INVESTIGATION CARDS (PD373-163)**
- d. Department of Motor Vehicles Name Check

ACCOUNTABILITY

The decision to issue a DAT to an eligible prisoner rests solely with the desk officer. **UNDER NO CIRCUMSTANCES WILL THE PRISONER BE RELEASED UNTIL THE FINGERPRINT CRIMINAL HISTORY HAS BEEN RECEIVED AND REVIEWED.** The desk officer, based upon the information contained in the OMNIFORM system (in addition to other information obtained during the course of the DAT investigation), will either have a DAT issued to the prisoner or have the arrest processed "on line."

The Borough Administrator is responsible to ensure that all DAT(S) issued and/or delivered by their subordinate commands are completed accurately and in a timely manner according to this procedure.

Any questions regarding arrest or DAT procedures should be directed to the applicable borough court section.

UNLAWFUL POSSESSION OF MARIHUANA ARRESTS

If the only charge against a prisoner is Unlawful Possession of Marihuana (Section 221.05, P.L. - Violation) and the prisoner does not qualify for a summons, the prisoner **MUST** be processed for a **DESK APPEARANCE TICKET**. However, normal **DESK APPEARANCE TICKET INVESTIGATION** verifications do not apply in this type of case. The only disqualifying factors regarding the issuance of a **DESK APPEARANCE TICKET** are:

- a. Inability to ascertain defendant's identification or address, OR,
- b. Officer reasonably suspects that identification or address given is inaccurate, OR,
- c. Officer believes that prisoner does not reside within the state,
- d. The prisoner owes DNA.

If the only charge is Unlawful Possession of Marijuana (Section 221.05, P.L. – Violation) a field test must be completed in accordance with P.G. 218-08, 'Field Testing of Marijuana by Authorized Uniformed Members of the Service'

In this instance, if the prisoner also does not qualify for a **DESK APPEARANCE TICKET**, the desk officer must release the prisoner if \$100.00 pre-arraignment bail is posted (see P.G. 210-09, "Bail"). However, the prisoner will not be released if he/she owes DNA.

DELIVERY OF DAT PACKAGES TO BOROUGH COURT SECTION

DAT(S) will only be delivered to the borough court section DAT office, Monday through Friday, on the second platoon. On weekends and court holidays, the Patrol Borough, Housing Borough, and Transit Borough will safeguard the DAT packages for delivery on the next second platoon that court is in session.

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ADDITIONAL DATA

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WARRANT AND INVESTIGATION CARD CHECKS

Prior to releasing a prisoner who is being issued a **DESK APPEARANCE TICKET** at the precinct of arrest/designated arrest facility, an **INVESTIGATION CARD (PD373-163)** check and a warrant name check of local/state/federal files will be conducted in accordance with P.G. 208-22, 'Performing Local, State and Federal Warrant Checks.'

If the **INVESTIGATION CARD** and/or warrant name check reveals prisoner is wanted on an **INVESTIGATION CARD** as "Perpetrator – Probable Cause to Arrest," the desk officer will immediately notify the Detective Bureau Wheel and make every reasonable effort to release that prisoner on a **DESK APPEARANCE TICKET (DAT)** following a conferral with Detective Bureau personnel. If the prisoner is approved for a DAT, prisoner will only be released directly to the custody of the Detective Bureau member tasked with processing investigation/arrest. In this case, some or all normal DAT qualifiers should be disregarded due to prisoner's imminent re-arrest by Detective Bureau personnel, but desk officers should still exercise common sense standards when making DAT determinations. The detective squad concerned will cancel the **INVESTIGATION CARD** immediately upon arrest.

In all cases, desk officers must review any relevant printout screen or results to ensure that the four step eligibility process was properly conducted. In addition, desk officers shall monitor the OMNIFORM system within their commands to ensure its proper use. If prisoner is released at precinct of arrest/designated arrest facility, or removed to borough court section booking facility, attach any relevant printouts to **DESK APPEARANCE TICKET INVESTIGATION**. If Department Local Area Network (LAN) terminal is inoperative, request the patrol borough to conduct the checks. Should the borough terminal also be inoperative, an adjoining precinct/designated arrest facility will be requested to conduct these checks. If the entire LAN system is out of service for more than twenty minutes, the Warrant Verification Desk will be requested by telephone to process and supply the necessary checks.

DESK APPEARANCE TICKET ELIGIBILITY FOR OUT OF STATE RESIDENTS

When attempting to determine whether to issue a **DESK APPEARANCE TICKET** to a person who does not reside or work in New York State but is otherwise qualified, the desk officer should consider the distance the arrested person will have to travel on the arraignment date. The person should be questioned concerning his/her ability and willingness to appear in court for arraignment on the scheduled return date. If the desk officer believes that the person will not appear as required, a **DESK APPEARANCE TICKET WILL NOT** be issued. If the person arrested requests a minor adjustment in the return date and gives an unqualified promise to appear on the revised date, the desk officer must use discretion in determining if the return date should be adjusted and a **DESK APPEARANCE TICKET** issued.

In unusual circumstances when the ends of justice will be served and undue hardship will be averted by not holding an out of state defendant in custody (e.g., elderly or infirm defendant or defendant accompanied by children, etc.), a short date **DESK APPEARANCE TICKET** returnable the following day, may be issued. However, if doubt exists concerning attendance of the defendant, a **DESK APPEARANCE TICKET WILL NOT** be issued.

When a short date **DESK APPEARANCE TICKET** is issued to an out of state defendant, the desk officer must ensure that the **DAT ARREST PACKAGE** is sent to the appropriate Patrol Borough, Housing Borough, or Transit Borough. In addition, the desk officer must notify the applicable borough of the short return date. Patrol Borough, Housing Borough, or Transit

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ADDITIONAL DATA (continued)

Borough personnel will ensure the delivery of the **DAT ARREST PACKAGE** to the borough court section is expedited. Borough Court Section personnel will immediately process the **DESK APPEARANCE TICKET** related papers to ensure that the Fingerprint criminal history (RAP) sheet is available when the defendant is arraigned. In all such cases, the arresting officer (if not excused) and the complainant (in appropriate cases) will proceed to the Complaint Room. If the Complaint Room is not open, the officer and/or complainant will report to the Complaint Room as soon as it opens to draw the court complaint.

DESK APPEARANCE TICKET ELIGIBILITY FOR HOSPITALIZED PRISONERS

A **DESK APPEARANCE TICKET** may be issued to an eligible hospitalized prisoner who is charged with a Class "E" Felony except for those Class "E" Felonies listed as follows:

PENAL LAW SECTION

CHARGE

130.25	Rape, 3rd Degree
130.40	Criminal Sexual Act, 3rd Degree
205.10	Escape, 2nd Degree
205.17	Absconding from Temporary Release, 1st Degree
205.19	Absconding from a Community Treatment Facility
215.56	Bail Jumping, 2nd Degree
195.07	Obstructing Governmental Administration, 1 st Degree

Criminal photographs need not be taken of a hospitalized prisoner who is issued a **DESK APPEARANCE TICKET** for a Class "E" Felony.

PARTICIPATING DEPARTMENT STORE PROGRAM

When an arrest is made by a security officer of a participating department store and the offense is one for which a **DESK APPEARANCE TICKET** may be issued, the desk officer will direct the arrest processing officer to assist the store security officer in processing the arrest in order to maintain compliance with this procedure.

RELATED PROCEDURES

Performing Local, State and Federal Warrant Checks (P.G. 208-22)
Computerized Investigation Card System (P.G. 208-23)
Identification Standards for Desk Appearance Tickets (P.G. 208-28)
Family Offenses/Domestic Violence (P.G. 208-36)
Intoxicated or Impaired Driver Arrest (P.G. 208-40)
Suspended or Revoked Vehicle Operator's License (P.G. 209-26)
Bail (P.G. 210-09)
Arrest Processing of Pre-Arrestionment Prisoners Designated as "Special Category" (P.G. 210-17)

FORMS AND REPORTS

DAT ARREST PACKAGE (PD260-123)
DESK APPEARANCE TICKET (COMPUTER FORM)
DESK APPEARANCE TICKET (PD260-121)
DESK APPEARANCE TICKET INDEX (PD260-122)
DESK APPEARANCE TICKET INVESTIGATION (PD360-091)
DESK APPEARANCE TICKET TRANSMITTAL TO BOROUGH COURT SECTION (PD260-122A)
INVESTIGATION CARD (PD373-163)
ON-LINE BOOKING SYSTEM ARREST WORKSHEET (PD244-159)