

P.G. 209-18 Summons Served Or Prepared In Error

Date Effective: 01-01-00

PURPOSE

To investigate the circumstances concerning issuance of a summons in error.

PROCEDURE

When a uniformed member of the service issues or prepares a summons in error:

WHEN ALL PARTS OF SUMMONS ARE AVAILABLE:

UNIFORMED MEMBER OF THE SERVICE

1. Bring all parts of summons to the command.
2. Inform commanding officer of the facts.
3. Surrender all parts of the summons to commanding officer.

COMMANDING OFFICER

4. Conduct investigation.
- [I.O. 23 s 11] 5. Prepare SUMMONS VOIDANCE FORM (PD160-153).
 - a. Ensure summons is scanned into the Electronic Summons Tracking System (ESTS) utilizing bar code reader
 - b. If bar code readers is inoperable, entries will be made into ESTS manually
 - c. Notify patrol/transit borough of defective/inoperable bar code reader and obtain replacement
 - d. Enter notification in Telephone Record.
6. Mark all copies of summons "Void" across face.
7. Forward first two (2) copies of FORM with all parts of summons to Chief of Department, Investigation Review Section, DIRECT.

WHEN VIOLATOR'S PART IS NOT AVAILABLE OR PARTS HAVE BEEN FORWARDED FOR PROCESSING:

COMMANDING OFFICER

8. Conduct investigation.
- [I.O. 23 s 11] 9. Prepare SUMMONS VOIDANCE FORM.

- a. Ensure summons is scanned into the ESTS utilizing bar code reader
- b. If bar code readers is inoperable, entries will be made into ESTS by hand
- c. Notify patrol/transit borough of defective/inoperable bar code reader and obtain replacement
- d. Enter notification in Telephone Record.

10. Confer with Commanding Officer, Investigation Review Section prior to processing report of investigation, IF agency copy of summons has been forwarded to the appropriate adjudicating agency prior to discovery of error, or is otherwise unavailable. DO NOT deal directly with adjudicating agency in these cases.

11. DO NOT mark copies of summons "VOID".

12. Forward first two (2) copies of SUMMONS VOIDANCE FORM with available copies of summons to Chief of Department Investigation Review Section, through channels.

COMMAND CLERK

13. File remaining copy of SUMMONS VOIDANCE FORM with photocopy of summons.

[I.O. 8 s 10] ADDITIONAL DATA

The Commanding Officer, Investigation and Review Section will ensure that one (1) copy of the SUMMONS VOIDANCE FORM is forwarded to the Chief of Internal Affairs when a summons is voided for Penal Law Section 240.35, "Loitering" subsections 1, 3 or 7.

FORMS AND REPORTS
SUMMONS VOIDANCE FORM (PD160-153)