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**From:** Administrative Bulletins  
**Sent:** Tuesday, December 15, 2020 1:04 PM  
**Subject:** Interactions with Members of the Transgender & Gender Nonconforming Communities

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

The City of New York and the NYPD recognize and support the rights and dignity of transgender and gender nonconforming persons, including both members of the Department and members of the public. The NYPD made changes to multiple Patrol Guide procedures which directly affect members of the lesbian, gay, bisexual, and transgender (“LGBTQIA+”) communities. To ensure the fair and equitable treatment of all persons, including the LGBTQIA+ communities, all members of the service are reminded that they must treat individuals in accordance with their preferred gender identity. This includes pronouns, titles of respect, and preferred names appropriate to gender identity, as well as the search and lodging of prisoners.

As a reminder, the following are Patrol Guide procedures regarding gender identity and gender expression:

- PG 203-10 Public Contact – Prohibited Conduct:
  - We must use pronouns, titles of respect, and preferred name appropriate to the individuals’ gender identity/expression. It is prohibited to use discourteous or disrespectful remarks regarding another person’s ethnicity, race, religion, gender, gender identity/expression, sexual orientation, or disability.
  
- PG 208-03 Arrests – General Processing:
  - Preferred name is defined as the name an arrestee prefers to be called based on their gender identity. This name may be different than the name on identification documents in the arrestee’s possession. The preferred name must be listed on Department records.
  - The member shall refer to the arrestee by the preferred name, if any. Using a preferred name is not a crime and we cannot charge an individual with False Personation for using a preferred name alone.
  
- PG 208-05 Arrests – General Search Guidelines:
  - In situations where an arrestee’s gender is not immediately apparent, or an arrestee objects to the gender of the member assigned to perform the search, the desk officer or supervisor conducting the search will assign a uniformed member of the gender requested by the arrestee, consistent with officer safety and resource availability.
  - Generally, if the prisoner identifies as female, a female member of the service will do the search. If the prisoner identifies as male, a male member of the service will do the search.
  - Officers shall not ask questions about an arrestee’s anatomy to determine gender.
  - Under no circumstances shall a member of the service conduct a search for the purpose of determining gender.
  
- PG 210-08 Prisoner Holding Cells:
  - Male and female prisoners will not be detained in the same cell. Unless there is a safety risk, prisoners will be lodged by their gender identity.
  
- PG 210-17 Arrest Processing of Pre-Arrestion Prisoners Designated as “Special Category:”

- Transgender prisoners will not automatically be considered “Special Category.”
  - Prisoners are deemed “Special Category” if there is reason to believe that placing them in the general population may pose a safety risk to themselves or other prisoners.
  - There is no automatic “at risk” notation just because an individual is transgender.
- PG 205-68 Members of the Service Seeking to Notify the Department of Transgender or Gender Non-Conforming Transition, or Status:
    - A member of the service’s transition should be treated with as much sensitivity and confidentiality as any member of the service who is going through a significant life experience.
    - Transgender and gender nonconforming members of the service have the right to discuss their gender identity or expression openly, or to keep that information private.



# PATROL GUIDE

Section: Complaints		Procedure No: 207-10	
<b>BIAS MOTIVATED INCIDENTS</b>			
DATE ISSUED: 12/30/20	DATE EFFECTIVE: 12/30/20	REVISION NUMBER:	PAGE: 1 of 5

## PURPOSE

To ensure a coordinated police response and a thorough investigation and analysis of all bias motivated incidents.

## DEFINITIONS

BIAS INCIDENT - Any offense or unlawful act that is motivated in whole or in substantial part by a person’s, a group’s, or a place’s identification with a particular race, religion, ethnicity, gender, age, disability, or sexual orientation (including gay, lesbian, bi-sexual and transgender) as determined by the Commanding Officer, Hate Crime Unit.

DISABILITY – Any physical, medical, mental, or psychological impairment, or a history or record of such impairment.

1. Physical, medical, mental, or psychological impairment refers to:
  - a. An impairment of any system of the body; including, but not limited to, the neurological system; the musculoskeletal system; the special sense organs and respiratory organs, including, but not limited to, speech organs; the cardiovascular system; the reproductive system; the digestive and genito-urinary systems; the hemic and lymphatic systems; the immunological systems; the skin; and the endocrine system; or
  - b. A mental or psychological impairment.
2. In the case of alcoholism, drug addiction or other substance abuse, the term ‘disability’ only applies to a person who:
  - a. Is recovering or has recovered, and
  - b. Is currently free of such abuse.

COMMANDING OFFICER - For the purpose of this procedure will be the precinct, police service area or transit district commanding officer within whose jurisdiction the incident occurs.

## PROCEDURE

When a uniformed member of the service is dispatched to the scene of an incident that may be a bias incident:

### UNIFORMED MEMBER OF THE SERVICE

1. Evaluate condition and take police action appropriate for stabilization of the area, if necessary.
2. Determine if possibility exists that offense or unlawful act is motivated by bias or prejudice as contained in the definition of a “Bias Incident.”
3. Request patrol supervisor to respond, if bias incident is suspected.

### PATROL SUPERVISOR

4. Determine if additional personnel are required to stabilize the situation.
5. Request commanding officer/duty captain to respond, if occurrence is a possible bias incident.
6. Notify desk officer of incident.

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**COMMANDING OFFICER/  
DUTY CAPTAIN** 7. Determine if occurrence is a possible bias incident that should be referred to the Hate Crime Unit for further investigation.

*NOTE* When considering incidents involving public officials, confer with the Intelligence Bureau prior to classifying the occurrence as a possible bias incident.

**PATROL SUPERVISOR** 8. Direct that a **COMPLAINT REPORT WORKSHEET (PD313-152A)** be prepared and include whether occurrence was determined to be a possible bias incident.

**UNIFORMED MEMBER OF THE SERVICE** 9. Take digital photographs on Department issued smartphone for the following, if it is determined to be a possible bias incident:  
 a. Criminal Mischief, 3<sup>rd</sup> Degree (Section 145.05, Penal Law),  
 b. Criminal Mischief, 4<sup>th</sup> Degree (Section 145.00, Penal Law),  
 c. Aggravated Harassment, 1<sup>st</sup> Degree (Section 240.31, Penal Law), and/or  
 d. Aggravated Harassment, 2<sup>nd</sup> Degree (Section 240.30, Penal Law).  
 10. Prepare and enter **COMPLAINT REPORT WORKSHEET** into OMNIFORM System.  
 a. Upload digital photographs via the OMNIFORM Complaints menu and electronically attach to **COMPLAINT REPORT (PD313-152)**.

**DESK OFFICER** 11. Ensure digital photographs are uploaded into OMNIFORM System and sign-off **COMPLAINT REPORT**.

IF THE OCCURRENCE IS REFERRED TO HATE CRIME UNIT AS A POSSIBLE BIAS INCIDENT:

**COMMANDING OFFICER/  
DUTY CAPTAIN** 12. Request additional resources, if required, to stabilize the location or defuse the incident (i.e., community affairs, crime prevention officers, additional command personnel, training unit, Strategic Response Group, if available, or others, as appropriate).  
 13. Request detective squad personnel to respond.  
 14. Request Evidence Collection Team (ECT) to respond and process scene for evidence.  
 15. Notify Operations Unit and obtain possible bias incident log number.  
 16. Prepare **UNUSUAL OCCURRENCE REPORT (PD370-152)** after conferral with precinct detective commander.  
 a. Subject of Report will be “POSSIBLE BIAS INCIDENT-LOG NO. \_\_\_\_.”  
 17. Forward **UNUSUAL OCCURRENCE REPORT** to Chief of Detectives and Commanding Officer, Hate Crime Unit direct, and forward additional copies through channels.

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**COMMANDING OFFICER/  
DUTY CAPTAIN  
(continued)**

18. Forward duplicate copies of **UNUSUAL OCCURRENCE REPORT** through channels to:
  - a. Chief of Community Affairs,
  - b. Precinct commanding officer, and
  - c. Police service area/transit district commanding officer, as applicable.
19. Direct crime prevention officer, where appropriate, to personally contact and advise complainant concerning actions to take to prevent reoccurrence.

**NOTE**

*Operations Unit personnel will notify patrol borough command, Patrol Services Bureau Duty Chief, Housing Bureau or Transit Bureau, as applicable, detective borough commander, Intelligence Bureau, Commanding Officer, Hate Crime Unit, Chief of Community Affairs, and Police Commissioner.*

**DETECTIVE SQUAD MEMBER**

20. Conduct an immediate investigation and confer with Hate Crime Unit personnel.
21. Forward additional copies of **COMPLAINT REPORT, Omniform Complaint Revision** and **COMPLAINT FOLLOW-UP INFORMATIONAL (pink) (PD313-081A)** to Commanding Officer, Hate Crime Unit direct within ten days of incident.

**NOTE**

*The detective squad member is responsible for conducting the investigation, unless relieved by Hate Crime Unit personnel. The Hate Crime Unit is responsible for the determination as to whether the occurrence is, or is not, biased. In addition, the Commanding Officer, Hate Crime Unit, may retain sufficient Detective Bureau personnel to conduct a comprehensive preliminary investigation and canvass of the area.*

**ECT PERSONNEL**

22. Respond to scene as directed.
23. Process scene for evidence and generate ECT run number.
24. Inform initial responding unit to invoice evidence as “Investigatory Evidence.”

**COMMANDING OFFICER/HATE CRIME UNIT**

25. Evaluate situation and make determination after conferral with Chief of Detectives to:
  - a. Assume complete control of investigation, or
  - b. Participate jointly with precinct detective squad personnel, or
  - c. Have precinct detective personnel assume full responsibility for the investigation.

**COMMANDING OFFICER,  
COMMAND CONCERNED**

26. Visit and personally interview victims of possible bias incident.
27. Prepare and forward comprehensive follow-up report on **Typed Letterhead** within ten days of incident, including post-incident actions of all Department units, and the current status of investigation to Chief of Detectives and Commanding Officer, Hate Crime Unit, through channels.

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**CRIME PREVENTION OFFICER** 28. Prepare and forward a report on **Typed Letterhead** within ten days of incident to Commanding Officer, Hate Crime Unit, indicating action taken concerning incident and whether a security survey was conducted.

*NOTE* *The special operations lieutenant will prepare and forward a report on **Typed Letterhead** as per step “28” above, in those commands where a crime prevention officer is not assigned.*

**COMMANDING OFFICER/HATE CRIME UNIT** 29. Make determination of whether an occurrence is a bias incident or a non-bias incident based upon all factors obtained during investigation, after conferral with the Chief of Detectives.

30. Visit and personally interview victims of confirmed bias incidents upon completion of investigation.

a. In appropriate cases, a Hate Crime Unit supervisor may be designated to interview victims.

31. Prepare report on **Typed Letterhead** indicating determination, and forward through channels to:

a. Chief of Patrol,  
b. Chief of Detectives,  
c. Chief of Housing/Chief of Transit, if appropriate,  
d. Patrol borough concerned,  
e. Housing/transit borough, as applicable,  
f. Precinct of occurrence, and  
g. Police service area/transit district, as applicable.

*NOTE* *In the case of a confirmed bias incident, when a complainant/victim requests that an identified offender not be arrested, and there is appropriate legal justification for the arrest, the Commanding Officer, Hate Crime Unit, may direct that the arrest be made. The primary considerations when a complainant/victim does not want an arrest effected, are the prevention of further violence and the safety of all parties concerned.*

WHEN COMMANDING OFFICER/DUTY CAPTAIN DETERMINES INCIDENT IS NOT BIAS MOTIVATED:

**COMMANDING OFFICER/DUTY CAPTAIN** 32. Notify detective squad.

33. Notify Operations Unit that offense is not a bias incident.

a. Contact Hate Crime Unit, between 0800 hours and 2400 hours, seven days a week, for log number on all non-bias incidents.

34. Direct crime prevention officer to personally contact and advise complainant concerning actions to take to prevent reoccurrence, if offense was committed at a religious institution or a sensitive location.

35. Prepare an **UNUSUAL OCCURRENCE REPORT** and forward to Chief of Detectives and Commanding Officer, Hate Crime Unit direct.

a. Forward one additional copy of **UNUSUAL OCCURRENCE REPORT** through channels.

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**PRECINCT** 36. Conduct appropriate investigation.  
**DETECTIVE** 37. Forward copies of **COMPLAINT REPORT, Omniform Complaint Revision,** and **COMPLAINT REPORT FOLLOW-UP INFORMATIONAL (pink),** to Chief of Detectives and Hate Crime Unit, through channels, within ten days of incident.

**CRIME PREVENTION OFFICER** 38. Prepare and forward a report on **Typed Letterhead** within ten days of incident to Commanding Officer, Hate Crime Unit, if offense was committed at a religious institution or sensitive location indicating action taken and whether security survey was conducted.

**ADDITIONAL DATA** *When notification of a possible bias incident is received from any other police agency, the New York City Police Department patrol supervisor shall respond. At the request of a patrol supervisor, captain, or above from another law enforcement agency, the commanding officer/duty captain will respond and determine whether the occurrence should be designated as non-bias or referred to the Hate Crime Unit as a possible bias incident.*

*If, during the course of an on-going investigation, information is ascertained that may indicate that the original incident may have been a possible bias incident, the Commanding Officer, Hate Crime Unit, will investigate and confer with the Chief of Detectives to make a determination whether the incident is a possible bias incident. The Commanding Officer, Hate Crime Unit, will then conduct a preliminary investigation and make all appropriate notifications.*

**RELATED PROCEDURES** *Unusual Occurrence Reports (P.G. 212-09)*

**FORMS AND REPORTS** **COMPLAINT FOLLOW-UP INFORMATIONAL (pink) (PD313-081A)**  
**COMPLAINT REPORT (PD313-152)**  
**COMPLAINT REPORT WORKSHEET (PD313-152A)**  
**UNUSUAL OCCURRENCE REPORT (PD370-152)**  
**Omniform Complaint Revision**  
**Typed Letterhead**



# GENDER IDENTITY AND EXPRESSION IN OUR DEPARTMENT AND THE CITY WE SERVE

**NYPD**

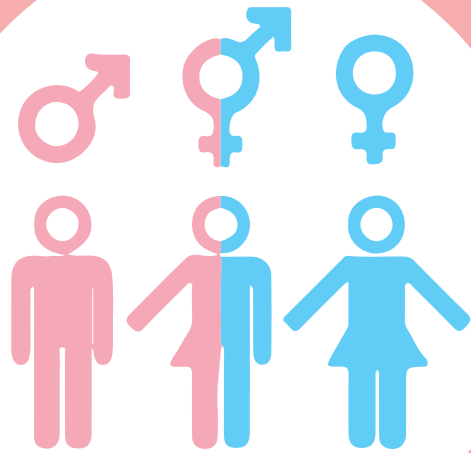
**DERMOT SHEA**  
POLICE COMMISSIONER





## KEY TERMS

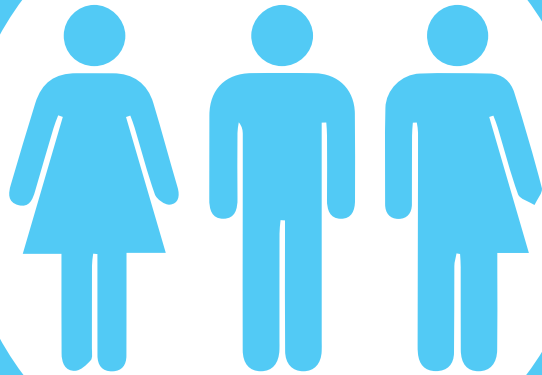
- **Gender Identity:** An individual's internal sense of gender which may be the same or different from their assigned sex at birth. Gender identity is distinct from sexual orientation.
- **Sexual Orientation:** describes a person's enduring physical, romantic, and/or emotional attraction to another person.
- **Gender Expression:** An individual's characteristics and behaviors (e.g., appearance, dress, mannerisms, speech patterns, social interactions, etc.) that may be perceived as masculine or feminine.
- **Transgender:** An individual, whose gender identity or expression is not typically associated with their assigned sex at birth.
- **Gender Non-Conforming:** An individual, who has or is perceived to have, gender characteristics and/or behaviors that do not conform to traditional or societal expectations.
- **Transition:** The process in which an individual changes their gender from their assigned sex at birth to their gender identity. The duration of a transition may differ for each individual. A transition may include, but is not limited to: informing family, friends and co-workers of gender identity; obtaining medical services (i.e., hormones, surgery, etc.); name and legal gender changes.



## GENDER IDENTITY & EXPRESSION IN NEW YORK CITY

The City of New York and the NYPD recognize and support the rights and dignity of transgender and gender non-conforming persons, including both members of the police department and members of the public. The NYPD proudly supports and follows NYC Human Rights Law.

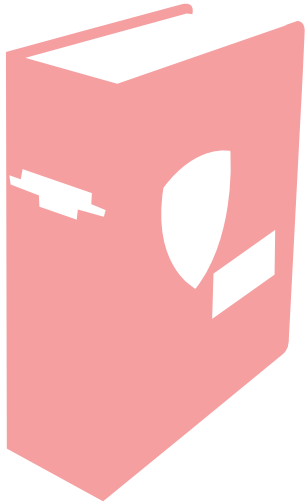
- Mayor De Blasio's Executive Order 16 of 2016 mandates that all city employees and members of the public be allowed to use the single-sex facilities that most closely align with their gender identity or expression in all properties owned and operated by the City of New York. These facilities include, but are not limited to: bathrooms, locker rooms, waiting areas, pools, saunas, lounges, or living spaces. No one will be required to show identification, medical documentation, or any other form of proof or verification of gender. In New York City, that's the law.
- The NYPD has issued an interim order establishing the department's responsibilities when transgender or gender non-conforming employees make notification of their status or of their transition from one gender to another. Discrimination against, and harassment of, these employees will not be tolerated. As the police department which serves the most diverse city in the world, the NYPD welcomes all gender identities and expressions in its ranks.



## USE OF SINGLE-SEX FACILITIES

Executive Order 16 of 2016 allows people to use the single-sex facility that is consistent with their gender identity or expression.

- A transgender woman is permitted to use any women's bathroom or other single-sex facility for women. A transgender male is permitted to use any men's bathroom or other single-sex facility for men.
- Allowing people to use the single-sex facility consistent with their gender identity or expression does not change the expectations for the behavior of everyone using the facilities. Behaviors such as "peeping", harassment, stalking, and other types of criminal activity are illegal. Note, however, that merely entering a single-sex facility, whatever one's gender or gender expression, is not a crime.
- Sincerely held religious beliefs can be a basis for requesting workplace accommodations in same sex facilities, but religion cannot be used as a pretext to discriminate against others in the workplace.



# PROCEDURES

The following are Patrol Guide procedures regarding gender identity and gender expression:

## 203-10 Public Contact-Prohibited Conduct

- We must use pronouns, title of respect and preferred name appropriate to the individuals' gender identity/ expression.
- It is prohibited to use discourteous or disrespectful remarks regarding another person's ethnicity, race, religion, gender, gender identity/expression, sexual orientation, or disability.
- It is prohibited to knowingly associate with a person or organization who advocates hatred, oppression, or prejudice in regard to people's gender identity/ expression or sexual orientation.

## 208-03 Arrests- General Processing

- Preferred name is defined as the name an arrestee prefers to be called based on their gender identity. This name may be different than the name on identification documents in the arrestee's possession. The preferred name must be listed on the arresting officers' memo book, the Prisoner Pedigree Card, the Prisoner Movement Slip and on the On-Line Booking System Arrest Worksheet. On the On-Line Booking System Arrest Worksheet,

preface the preferred name with "P-". The member shall refer to the arrestee by the preferred name, if any. Using a preferred name is not a crime and we cannot charge an individual with False Personation for using a preferred name alone.

#### 208-05 Arrests- General Search Guidelines

- In situations where an arrestee's gender is not immediately apparent, or an arrestee objects to the gender of the member assigned to perform the search, the desk officer or supervisor conducting the search will assign a uniformed member of the gender requested by the arrestee, consistent with officer safety and resource availability.
- Generally, if the prisoner identifies as female, a female member of the service will do the search. If the prisoner identifies as male, a male member of the service will do the search.
- Officers shall not ask questions about an arrestee's anatomy to determine gender.
- Under no circumstances shall a member of the service conduct a search for the purpose of determining gender.

#### 210-08 Prisoner Holding Cells

- Male and female prisoners will not be detained in the same cell. Unless there is a safety risk, prisoners will be lodged by their gender identity.

#### 210-17 Arrest Processing of Pre-Arrestment Prisoners Designated as "Special Category"

- Transgender prisoners will not automatically be considered "Special Category"
- Prisoners are deemed "Special Category" if there is reason to believe that placing them in the general population may pose a safety risk to themselves or to other prisoners.
- There is NO automatic "at risk" notation just because an individual is transgender.



# TRANSGENDER AND GENDER NON-CONFORMING MEMBERS OF THE SERVICE

Gender non-conforming members and members of the service who transition from one gender to another will receive the full support of the NYPD and its personnel. Members of the service must treat all persons in accordance with their gender identity, including appropriate titles of respect and the preferred name and pronouns. A member of the service's transition should be treated with as much sensitivity and confidentiality as any member of the service who is going through a significant life experience. Transgender and gender non-conforming members of the service have the right to discuss their gender identity or expression openly, or to keep that information private. They decide when, with whom, and how much to share their private information. The Office of Equity and Inclusion will discuss needs and provide necessary direction related to:

- The preferred name the member is requesting to use
- Member's gender identity and how the member is requesting to be addressed (i.e., gender specific pronouns)
- If, and/or when, the member is requesting to inform coworkers and other command staff
- Locker room and restroom accessibility
- Application for transfer to another command
- Obtaining a new Identification Card

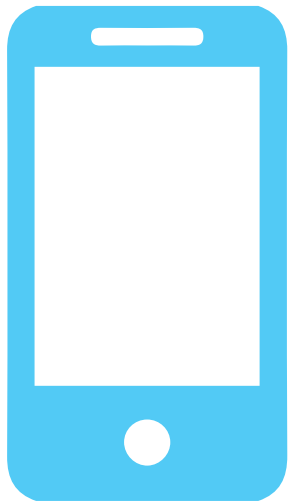
Medical Division staff, like all other staff, will not ask questions about genitalia. Once a member of the service has legally changed their name and/or gender on their NYS Driver's License, no NYPD unit will seek additional proof or medical documents.

Full information about transition is available in Patrol Guide Section 205-68 titled, "Member of the Service Seeking to Notify the Department of Trans-gender or Gender Non-Conforming Transition, or Status".

Reminder for all Members of the Service

- Offensive and defamatory language must be avoided at all times.
- The words "he-she", "trannie" and "she-male" are offensive and unacceptable
- Don't make assumptions about a transgender person's sexual orientation

# CONTACT



If you believe you have been discriminated against or would like more information about your rights and responsibilities under the law, please contact the Office of Equity and Inclusion at 646-610-5330 or the New York City Commission on Human Rights.

## CITYWIDE LGBTQ COMMUNITY LIAISONS

Community Affairs Bureau LGBTQ Liaisons

Office Telephone: (212) 614-6748

Police Commissioner's LGBTQ Liaison

Office Telephone: (646) 610-5984

## LGBTQ ORGANIZATIONS

### BRONX

Bronx LGBTQ Community Center 260 East 188th Street, Bronx, NY

### QUEENS

Queens Pride House 76-11 37th Avenue, Suite 206 Queens, NY (718) 429-5309

### BROOKLYN

Brooklyn Community Pride Center 1360 Fulton Street, ground Floor, Brooklyn, NY (347) 889-7719

### STATEN ISLAND

Staten Island LGBT Center 25 Victory Blvd, J 3rd Floor Staten Island, NY (718) 808-1300

### MANHATTAN

The LGBT Community Center 208 W 13th Street, NY NY (212) 620-7310

### CITYWIDE

The NYC-Anti Violence Project 116 Nassau Street 3rd Floor NY, NY (212) 714-1184



We would like to thank GOAL for their contribution in creating this document.



# PATROL GUIDE

Section: Complaints		Procedure No: 207-10	
<b>BIAS MOTIVATED INCIDENTS</b>			
DATE EFFECTIVE: 12/02/22	LAST REVISION: I.O. 116	PAGE: 1 of 5	

## PURPOSE

To ensure a coordinated police response and a thorough investigation and analysis of all bias motivated incidents.

## DEFINITIONS

**BIAS INCIDENT** - Any offense or unlawful act that is motivated in whole or in substantial part by a person's, a group's, or a place's identification with a particular race, religion, ethnicity, gender, age, disability, or sexual orientation (including lesbian, gay, bisexual, transgender, queer, intersex, asexual +) as determined by the Commanding Officer, Hate Crime Unit.

**DISABILITY** – Any physical, medical, mental, or psychological impairment, or a history or record of such impairment.

1. Physical, medical, mental, or psychological impairment refers to:
  - a. An impairment of any system of the body; including, but not limited to, the neurological system; the musculoskeletal system; the special sense organs and respiratory organs, including, but not limited to, speech organs; the cardiovascular system; the reproductive system; the digestive and genito-urinary systems; the hemic and lymphatic systems; the immunological systems; the skin; and the endocrine system; or
  - b. A mental or psychological impairment.
2. In the case of alcoholism, drug addiction or other substance abuse, the term 'disability' only applies to a person who:
  - a. Is recovering or has recovered, and
  - b. Is currently free of such abuse.

**COMMANDING OFFICER** - For the purpose of this procedure will be the precinct, police service area or transit district commanding officer within whose jurisdiction the incident occurs.

## PROCEDURE

When a uniformed member of the service is dispatched to the scene of an incident that may be a bias incident:

### UNIFORMED MEMBER OF THE SERVICE

1. Evaluate condition and take police action appropriate for stabilization of the area, if necessary.
2. Determine if possibility exists that offense or unlawful act is motivated by bias or prejudice as contained in the definition of a "Bias Incident."
3. Request patrol supervisor to respond, if bias incident is suspected.

### PATROL SUPERVISOR

4. Determine if additional personnel are required to stabilize the situation.
5. Request commanding officer/duty captain to respond, if occurrence is a possible bias incident.
6. Notify desk officer of incident.



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**COMMANDING OFFICER/  
DUTY CAPTAIN** 7. Determine if occurrence is a possible bias incident that should be referred to the Hate Crime Unit for further investigation.

*NOTE* When considering incidents involving public officials, confer with the Intelligence Division prior to classifying the occurrence as a possible bias incident.

**PATROL SUPERVISOR** 8. Direct that a **COMPLAINT REPORT WORKSHEET (PD313-152A)** be prepared and include whether occurrence was determined to be a possible bias incident.

**UNIFORMED MEMBER OF THE SERVICE** 9. Take digital photographs on Department issued smartphone for the following, if it is determined to be a possible bias incident:  
a. Criminal Mischief, 3<sup>rd</sup> Degree (Section 145.05, Penal Law),  
b. Criminal Mischief, 4<sup>th</sup> Degree (Section 145.00, Penal Law),  
c. Aggravated Harassment, 1<sup>st</sup> Degree (Section 240.31, Penal Law), and/or  
d. Aggravated Harassment, 2<sup>nd</sup> Degree (Section 240.30, Penal Law).  
10. Prepare and enter **COMPLAINT REPORT WORKSHEET** into OMNIFORM System.  
a. Upload digital photographs via the OMNIFORM Complaints menu and electronically attach to **COMPLAINT REPORT (PD313-152)**.

**DESK OFFICER** 11. Ensure digital photographs are uploaded into OMNIFORM System and sign-off **COMPLAINT REPORT**.

IF THE OCCURRENCE IS REFERRED TO HATE CRIME UNIT AS A POSSIBLE BIAS INCIDENT:

**COMMANDING OFFICER/  
DUTY CAPTAIN** 12. Request additional resources, if required, to stabilize the location or defuse the incident (i.e., community affairs, crime prevention officers, additional command personnel, training unit, Strategic Response Group, if available, or others, as appropriate).  
13. Request detective squad personnel to respond.  
14. Request Evidence Collection Team (ECT) to respond and process scene for evidence.  
15. Notify Operations Unit and obtain possible bias incident log number.  
16. Prepare **UNUSUAL OCCURRENCE REPORT (PD370-152)** after conferral with precinct detective commander.  
a. Subject of Report will be "POSSIBLE BIAS INCIDENT-LOG NO. \_\_\_\_."  
17. Forward **UNUSUAL OCCURRENCE REPORT** to Chief of Detectives and Commanding Officer, Hate Crime Unit direct, and forward additional copies through channels.

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- COMMANDING OFFICER/  
DUTY CAPTAIN  
(continued)**
18. Forward duplicate copies of **UNUSUAL OCCURRENCE REPORT** through channels to:
    - a. Chief of Community Affairs,
    - b. Precinct commanding officer, and
    - c. Police service area/transit district commanding officer, as applicable.
  19. Direct crime prevention officer, where appropriate, to personally contact and advise complainant concerning actions to take to prevent reoccurrence.

***NOTE** Operations Unit personnel will notify patrol borough command, Patrol Services Bureau Duty Chief, Housing Bureau or Transit Bureau, as applicable, detective borough commander, Intelligence Division, Commanding Officer, Hate Crime Unit, Chief of Community Affairs, and Police Commissioner.*

- DETECTIVE SQUAD MEMBER**
20. Conduct an immediate investigation and confer with Hate Crime Unit personnel.
  21. Forward additional copies of **COMPLAINT REPORT, Omniform Complaint Revision** and **COMPLAINT FOLLOW-UP INFORMATIONAL (pink) (PD313-081A)** to Commanding Officer, Hate Crime Unit direct within ten days of incident.

***NOTE** The detective squad member is responsible for conducting the investigation, unless relieved by Hate Crime Unit personnel. The Hate Crime Unit is responsible for the determination as to whether the occurrence is, or is not, biased. In addition, the Commanding Officer, Hate Crime Unit, may retain sufficient Detective Bureau personnel to conduct a comprehensive preliminary investigation and canvass of the area.*

- ECT PERSONNEL**
22. Respond to scene as directed.
  23. Process scene for evidence and generate ECT run number.
  24. Inform initial responding unit to invoice evidence as “Investigatory Evidence.”

- COMMANDING OFFICER/HATE CRIME UNIT**
25. Evaluate situation and make determination after conferral with Chief of Detectives to:
    - a. Assume complete control of investigation, or
    - b. Participate jointly with precinct detective squad personnel, or
    - c. Have precinct detective personnel assume full responsibility for the investigation.

- COMMANDING OFFICER,  
COMMAND CONCERNED**
26. Visit and personally interview victims of possible bias incident.
  27. Prepare and forward comprehensive follow-up report on **Typed Letterhead** within ten days of incident, including post-incident actions of all Department units, and the current status of investigation to Chief of Detectives and Commanding Officer, Hate Crime Unit, through channels.

# PATROL GUIDE

PROCEDURE NUMBER:	DATE EFFECTIVE:	LAST REVISION:	PAGE:
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**CRIME PREVENTION OFFICER** 28. Prepare and forward a report on **Typed Letterhead** within ten days of incident to Commanding Officer, Hate Crime Unit, indicating action taken concerning incident and whether a security survey was conducted.

*NOTE* The special operations lieutenant will prepare and forward a report on **Typed Letterhead** as per step “28” above, in those commands where a crime prevention officer is not assigned.

**COMMANDING OFFICER/HATE CRIME UNIT** 29. Make determination of whether an occurrence is a bias incident or a non-bias incident based upon all factors obtained during investigation, after conferral with the Chief of Detectives.

30. Visit and personally interview victims of confirmed bias incidents upon completion of investigation.

a. In appropriate cases, a Hate Crime Unit supervisor may be designated to interview victims.

31. Prepare report on **Typed Letterhead** indicating determination, and forward through channels to:

a. Chief of Patrol,  
 b. Chief of Detectives,  
 c. Chief of Housing/Chief of Transit, if appropriate,  
 d. Patrol borough concerned,  
 e. Housing/transit borough, as applicable,  
 f. Precinct of occurrence, and  
 g. Police service area/transit district, as applicable.

*NOTE* In the case of a confirmed bias incident, when a complainant/victim requests that an identified offender not be arrested, and there is appropriate legal justification for the arrest, the Commanding Officer, Hate Crime Unit, may direct that the arrest be made. The primary considerations when a complainant/victim does not want an arrest effected, are the prevention of further violence and the safety of all parties concerned.

WHEN COMMANDING OFFICER/DUTY CAPTAIN DETERMINES INCIDENT IS NOT BIAS MOTIVATED:

**COMMANDING OFFICER/DUTY CAPTAIN** 32. Notify detective squad.

33. Notify Operations Unit that offense is not a bias incident.

a. Contact Hate Crime Unit, between 0800 hours and 2400 hours, seven days a week, for log number on all non-bias incidents.

34. Direct crime prevention officer to personally contact and advise complainant concerning actions to take to prevent reoccurrence, if offense was committed at a religious institution or a sensitive location.

35. Prepare an **UNUSUAL OCCURRENCE REPORT** and forward to Chief of Detectives and Commanding Officer, Hate Crime Unit direct.

a. Forward one additional copy of **UNUSUAL OCCURRENCE REPORT** through channels.

# PATROL GUIDE

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- PRECINCT** 36. Conduct appropriate investigation.
- DETECTIVE** 37. Forward copies of **COMPLAINT REPORT, Omniform Complaint Revision, and COMPLAINT REPORT FOLLOW-UP INFORMATIONAL (pink)**, to Chief of Detectives and Hate Crime Unit, through channels, within ten days of incident.
- CRIME PREVENTION OFFICER** 38. Prepare and forward a report on **Typed Letterhead** within ten days of incident to Commanding Officer, Hate Crime Unit, if offense was committed at a religious institution or sensitive location indicating action taken and whether security survey was conducted.

**ADDITIONAL DATA**

*When notification of a possible bias incident is received from any other police agency, the New York City Police Department patrol supervisor shall respond. At the request of a patrol supervisor, captain, or above from another law enforcement agency, the commanding officer/duty captain will respond and determine whether the occurrence should be designated as non-bias or referred to the Hate Crime Unit as a possible bias incident.*

*If, during the course of an on-going investigation, information is ascertained that may indicate that the original incident may have been a possible bias incident, the Commanding Officer, Hate Crime Unit, will investigate and confer with the Chief of Detectives to make a determination whether the incident is a possible bias incident. The Commanding Officer, Hate Crime Unit, will then conduct a preliminary investigation and make all appropriate notifications.*



**GENDER IDENTITY AND EXPRESSION**  
**IN OUR DEPARTMENT AND THE CITY WE SERVE**

**NYPD**

**DERMOT SHEA**  
POLICE COMMISSIONER



The City of New York and the NYPD recognize and support:

# GENDER IDENTITY AND EXPRESSION IN OUR DEPARTMENT AND THE CITY WE SERVE

transgender and gender non-conforming individuals and their families, and we will continue to work to ensure that all NYPD officers and employees are treated with respect and dignity.

**NYPD**

## **Overview:**

The City of New York and the NYPD recognize and support the rights and dignity of transgender and gender non-conforming persons, including both members of the police department and members of the public. The NYPD proudly supports and follows the NYC Human Rights Law.

In New York City, it is illegal to discriminate based on actual or perceived sexual orientation or gender. The objective of this handbook is to provide our members guidance on policies, procedures, and language that foster an environment of belonging and respect for LGBTQIA+ communities. It contains information on NYC laws, NYPD policies and procedures, as well as key terms to help individuals understand the words and meanings surrounding sexual orientation, gender identity, and gender expression. The New York City Police Department is committed to ensuring that our members and community are treated with dignity and respect without threat of discrimination or harassment.



## KEY TERMS

- **Gender Identity:** An individual's internal sense of gender which may be the same or different from their assigned sex at birth. Gender identity is distinct from sexual orientation.
- **Gender Expression:** The representation of gender as expressed through one's name, pronouns, clothing, hairstyle, behavior, voice, or similar characteristics. Gender expression may or may not conform to gender stereotypes. Terms associated with gender expression include, but are not limited to: androgynous, butch, female/woman/feminine, male/man/masculine, or non-binary.
- **Transgender:** An individual whose gender identity does not conform with the sex assigned at birth.
- **Cisgender:** An individual whose gender identity matches the sex they were assigned at birth.
- **Gender Non-Conforming:** An individual who has or is perceived to have, gender characteristics and/or behaviors that do not conform to traditional or societal expectations. Some may use the term *genderqueer*.





## KEY TERMS

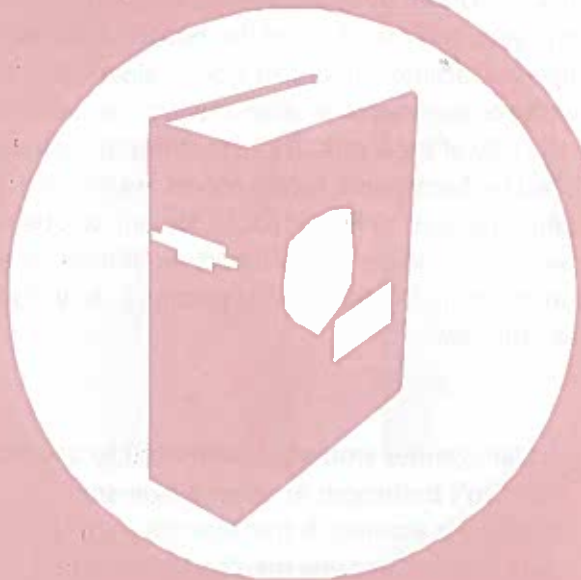
- **Non-Binary:** A person whose gender identity is not exclusively male or female, and can be neither male or female. Non-binary individuals may identify as gender X, gender fluid, agender, third gender or something else.
- **Gender Pronouns (GP):** Refers to the pronoun or set of pronouns that an individual would like others to use when talking to or about that individual. Some examples are: he, him, his or she, her, hers or they, them, theirs (single and plural usages). Non-traditional pronouns include ze or zer, etc.
- **Transition:** The process in which an individual changes their gender from their assigned sex at birth to their gender identity. The duration of a transition may differ for each individual. A transition may include, but is not limited to: informing family, friends and co-workers of gender identity; obtaining medical services (e.g., hormone therapy, surgery, etc.); name and legal gender changes.
- **Sexual Orientation:** Describes a person's emotional and/or sexual attraction to another person.
- **Deadnaming:** Using the birth name/gender of a transgender or gender non-conforming person when they no longer use this name or gender. Deadnaming is considered disrespectful and insulting.



## USE OF SINGLE-SEX FACILITIES

Executive Order 16 of 2016 mandates that all city employees and members of the public be allowed to use the single-sex facilities that most closely align with their gender identity or expression in all properties owned and operated by the City of New York. These facilities include, but are not limited to: bathrooms, locker rooms, waiting areas, pools, saunas, lounges, or living spaces. No one will be required to show identification, medical documentation, or any other form of proof or verification of gender. In New York City, that's the law.

- A transgender woman is permitted to use any women's bathroom or other single-sex facility for women. A transgender man is permitted to use any men's bathroom or other single-sex facility for men.
- Allowing people to use the single-sex facility consistent with their gender identity or expression does not change the expectations for the behavior of everyone using the facilities. Behaviors such as "peeping," harassment, stalking, and other types of criminal activity are illegal. Note, however, that merely entering a single-sex facility, whatever's one gender or gender expression, is not a crime.



## PROCEDURES

The following are Admin. Guide and Detective Guide procedures regarding gender identity and gender expression.

### **304-06 Admin. Guide - Public Contact - Prohibited Conduct**

- Use pronouns, title of respect and preferred name appropriate to the individuals' gender identity/expression.
- It is prohibited to use discourteous or disrespectful remarks regarding another person's ethnicity, race, religion, gender, gender identity/expression, sexual orientation, or disability.
- It is prohibited to knowingly associate with a person or organization who advocates hatred, oppression, or prejudice in regard to people's gender identity/expression or sexual orientation.

### **208-03 Arrests - General Processing**

- Preferred name is defined as the name an arrestee prefers to be called based on their gender identity. This name may be different than the name on identification documents in the arrestee's possession. The preferred name must be listed on the arresting officer's Activity Log, the Prisoner Pedigree Card, the Prisoner Movement Slip and the On-Line Booking System Arrest Worksheet. On the On-Line Booking System Arrest Worksheet, preface the preferred name with "P-"

- The member shall refer to the arrestee by the preferred name, if any. Using a preferred name is not a crime and we cannot charge an individual with False Personation for using a preferred name alone.

#### **208-05 Arrests - General Search Guidelines**

- In situations where an arrestee's gender is not immediately apparent, or an arrestee objects to the gender of the member assigned to perform the search, the desk officer or supervisor conducting the search will assign a uniformed member of the gender requested by the arrestee, consistent with officer safety and resource availability.
- Generally, if the prisoner identifies as female, a female member of the service will do the search. If the prisoner identifies as male, a male member of the service will do the search.
- Officers shall not ask questions about an arrestee's anatomy to determine gender.
- Under no circumstances shall a member of service conduct a search for the purpose of determining gender.

#### **210-08 Prisoner Holding Cells**

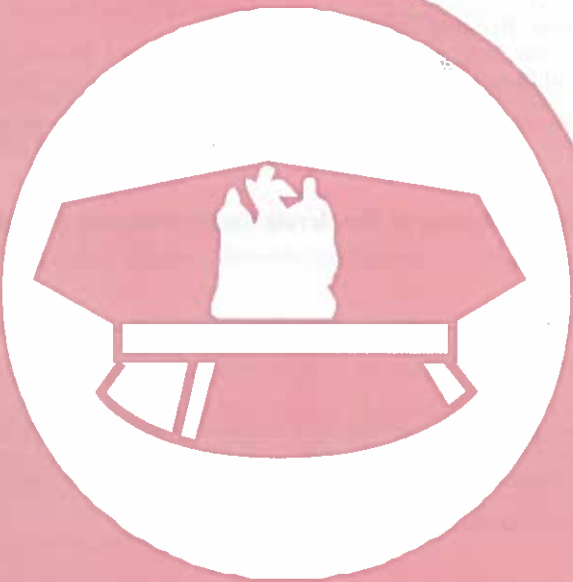
- Male and female prisoners will not be detained in the same cell. Unless there is a safety risk, prisoners will be lodged by their gender identity.

#### **210-17 Arrest Processing of Pre-Arrestment Prisoners Designated as "Special Category"**

- Transgender prisoners will not automatically be considered "Special Category."
- Prisoners are deemed "Special Category" if there is reason to believe that placing them in the general population may pose a safety risk to themselves or to other prisoners.
- There is NO automatic "at risk" notation just because an individual is transgender.

#### **510-01/02 Detective Guide - Request For Media Attention**

- Information NOT to be released to the media includes the birth name and gender of transgender and gender non-conforming individuals (see deadnaming, above). Only release the preferred name and gender.
- Determine the individual's preferred name. If they are unable to speak for themselves, ask people closest to them what is the person's preferred name and gender.



**TRANSGENDER  
AND GENDER  
NON-CONFORMING  
MEMBERS OF THE  
SERVICE**

Gender non-conforming members and members of the service who transition from one gender to another will receive the full support of the NYPD and its personnel. Members of the service must treat all persons in accordance with their gender identity, including appropriate titles of respect and the preferred name and pronouns. A member of the service's transition should be treated with as much sensitivity and confidentiality as any member of the service who is going through a significant life experience. Transgender and gender non-conforming members of the service have the right to discuss their gender identity or expression openly, or to keep that information private. They decide when, with whom, and how much to share their private information. The Office of Equity and Inclusion will discuss needs and provide necessary direction related to:

- The preferred name the member is requesting to use.
- Member's gender identity and how the member is requesting to be addressed (i.e., gender specific pronouns).
- If, and/or when, the member is requesting to inform coworkers and other command staff.
- Locker room and restroom accessibility.
- Application for transfer to another command.
- Obtaining a new Identification Card.

Medical Division staff, like all other staff, will not ask questions about genitalia. Once a member of the service has legally changed their name and/or gender on their NYS Driver's License, no NYPD unit will seek additional proof or medical documents.

Full information about transition is available in Admin. Guide Section 332-03 titled, "Member of the Service Seeking to Notify the Department of Transgender or Gender Non-Conforming Transition, or Status."

Reminder for all Members of the Service

- Offensive and defamatory language is prohibited.
- The words "he-she", "trannie" and "she-male" are offensive and unacceptable.
- Don't make assumptions about a transgender person's sexual orientation.



# CONTACT

Revised 12/20

If you believe you have been discriminated against or would like more information about your rights and responsibilities under the law, please contact the **Office of Equity and Inclusion's Equal Employment Opportunity Division** at 646-610-5330 or the New York City Commission on Human Rights.

### **NYPD LGBTQIA+ COMMUNITY LIAISONS**

Chief of Department LGBTQIA+ Liaison  
Office Telephone: (646) 610-6018  
Community Affairs Bureau LGBTQIA+ Liaison  
Office Telephone: (718) 312-4699

### **LGBTQIA+ ORGANIZATIONS**

- BRONX** BX LGBTQ Community Center–Destination Tomorrow,  
452 East 149<sup>th</sup> Street, 3<sup>rd</sup> Floor, Bronx, NY,  
(646) 723-3325
- QUEENS** Queens Pride House  
76-11 37<sup>th</sup> Avenue, Suite 206, Queens, NY  
(718) 429-5309
- BROOKLYN** Brooklyn Community Pride Center  
1360 Fulton Street, Ground Floor, BK, NY  
(347) 889-7719
- STATEN ISLAND** Staten Island LGBT Center  
25 Victory Blvd, 3<sup>rd</sup> Floor, Staten Island, NY  
(718) 808-1360
- MANHATTAN** The LGBT Community Center  
208 W 13<sup>th</sup> Street, New York, NY  
(212) 620-7310
- CITYWIDE** The NYC Anti-Violence Project  
116 Nassau Street 3<sup>rd</sup> Floor, New York, NY  
(212) 714-1141



Acknowledgement to DCEI and GOAL for their contribution in creating this document.





# PATROL GUIDE

Section: Prisoners		Procedure No: 210-08	
<b>GUIDELINES FOR PRISONER HOLDING PENS</b>			
DATE EFFECTIVE: 12/19/22	LAST REVISION: I.O. 123	PAGE: 1 of 3	

## PURPOSE

To ensure the integrity, control, and humane treatment of prisoners lodged in command/detective squad holding pens.

## PROCEDURE

Upon lodging a prisoner temporarily in a command/detective squad holding pen:

### DESK OFFICER/ DETECTIVE SQUAD SUPERVISOR

1. Utilize Department form **PRISONER HOLDING PEN ROSTER (PD244-1410)** to maintain a record of prisoners lodged in holding pens (cages).
  - a. Maintain a copy of the **PRISONER HOLDING PEN ROSTER** at the desk and detective squad office, as appropriate.
  - b. File completed forms at the end of every twenty-four hour period at the desk and detective squad office, as appropriate.
2. Designate a member of the service to specifically inspect and check condition of prisoners every thirty minutes.
  - a. Do not leave prisoners unattended.
3. Have assigned member enter results of inspection and action taken under the appropriate captions on **PRISONER HOLDING PEN ROSTER**.
4. Assign supervisor to personally and periodically inspect prisoners lodged in holding pens and have supervisor enter the following under appropriate captions on **PRISONER HOLDING PEN ROSTER**:
  - a. Results of inspection,
  - b. Condition of prisoner (e.g., sleeping, alert, etc.), and
  - c. Position of prisoner (e.g., sitting, laying down, etc.).
5. Make certain the following additional guidelines are complied with:
  - a. Maximum period of detention for prisoners being held in holding pens will usually be three hours. If circumstances dictate a person be held for a longer period, such period must be approved by the desk officer for command holding pens or detective squad supervisor for detective squad holding pens. If a detective squad supervisor is not available, the extension period must be approved by the command desk officer. The reason for any time extension must be documented in the Command Log.
  - b. Prisoners who appear to be ill, intoxicated, or emotionally disturbed shall not be detained in holding pens. If appropriate, *P.G. 210-04 "Prisoners Requiring Medical/Psychiatric Treatment"* will be complied with.
  - c. At no time should more prisoners than can be reasonably accommodated be put in a holding pen. The amount of time a prisoner will be detained in the holding pen must be taken into consideration when determining what is a reasonable accommodation.
  - d. Before being placed in a holding pen, the clothing and person of each prisoner must be thoroughly searched. Generally, a female prisoner will only be searched by a female police attendant or

# PATROL GUIDE

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**DESK  
OFFICER/  
DETECTIVE  
SQUAD  
SUPERVISOR  
(continued)**

- female uniformed member of the service (see *P.G. 208-05, "Arrests – General Search Guidelines"*).
- e. Comply with *P.G. 208-83, "Arrests – Religious Head Covering Guidelines,"* as necessary, if prisoner is wearing a religious head covering.
  - f. Belts, neckties, shoelaces, drawstrings, jackets, overcoats, or other similar outer garments that could be used to attempt/commit suicide or assault another shall be removed and stored temporarily where they will not be accessible to the prisoner.
  - g. At no time detain male and female prisoners in the same holding pen. Refer to *P.G. 210-17, "Arrest Processing of Pre-Arrestment Prisoners Designated as 'Special Category' "* and/or *A.G. 304-06, "Prohibited Conduct,"* regarding gender, if necessary.
  - h. At no time detain adult and juvenile prisoners in the same holding pen. Juveniles must be held in the command's designated juvenile area.

**NOTE**

*In the event there is a need to separate juvenile prisoners, the desk officer will coordinate with a neighboring command to ensure that all juvenile prisoners are lodged in a location specifically designated as suitable for the interrogation of juveniles, unless they are 18 years of age or older at the time of arrest.*

- i. If a prisoner is placed in a cell alone because he/she threatens or fights with another prisoner(s), is causing disruption, or for any other reason, ensure that a member of the service will continue to monitor that prisoner closely.
- j. Ensure prisoners are issued menstrual hygiene products upon request.
  - (1) Assign female uniformed member of the service to escort prisoner requesting hygiene product to restroom.
  - (2) Direct member issuing hygiene product to make note on **PRISONER HOLDING PEN ROSTER** in "Remarks" section.
  - (3) Make note in Command Log margin next to arrest entry.

**ADDITIONAL  
DATA**

**PRISONER CONFLICTS**

*Whenever an arresting officer/investigator becomes aware that there is the need to separate two or more defendants from one another due to threats made by one defendant to another, or due to the potential for one defendant to assault another, a notation will be made at the bottom of each defendant's Prisoner Movement Slip in the "Detention Alert" section under the caption "Other (Explain)." The notation must contain the name and arrest number of the other defendant involved, as well as an indication as to why separation is deemed necessary (e.g., prisoner had a fight with the other prisoner; prisoner was threatened by other prisoner, etc.). If separation is required for confidential or sensitive reasons, such as one prisoner testified against another, enter the name and telephone number of the arresting officer/assigned investigator so that further information can be obtained if necessary, rather than entering the actual reason for the separation. (If detention personnel are unable to contact the arresting officer/assigned investigator for further information, they will continue to keep the affected prisoners separated from one another).*



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**ADDITIONAL  
DATA  
(continued)**

*In the event that an arrest processing officer or escorting officer becomes aware that a conflict exists between prisoners requiring their separation, the officer must:*

- a. Inform the arresting officer/assigned investigator of the circumstances in order that the latter may make entries on the Prisoner Movement Slips, OR*
- b. Personally make entries on the Prisoner Movement Slips, which must then be brought to the attention of the Court Section personnel for entry on the courthouse generated movement slips.*

*The information entered on the Prisoner Movement Slip prepared at the command must also be entered on the computerized movement slip generated at the courthouse when the prisoner is photographed. In addition to the notation on the movement slip, the arresting officer/assigned investigator/escorting officer will notify the concerned borough court section supervisor.*

*Members of the service assigned to prisoner detention functions at the command and at the courthouse must examine and be guided by the information contained in the "Detention Alert" caption on each Prisoner Movement Slip in regard to separating prisoners. etc.*

### DISCARDING OF MENSTRUAL HYGIENE PRODUCTS

*Members of the service will instruct prisoner(s) to discard menstrual hygiene products into separate waste containers, as appropriate. Members are reminded to utilize personal protective equipment (PPE) if disposing of hygiene products, and are to adhere to A.G. 330-09 "Exposure of Members of the Service to Infectious Diseases or Hazardous Materials," if exposure occurs."*

**RELATED  
PROCEDURES**

*Prisoners General Procedure (P.G. 210-01)  
Prisoners Requiring Medical/Psychiatric Treatment (P.G. 210-04)  
Prisoners - Unusual Occurrence (P.G. 210-07)  
Mentally Ill or Emotionally Disturbed Persons (P.G. 221-13)*

**FORMS AND  
REPORTS**

***PRISONER HOLDING PEN ROSTER (PD244-1410)***



# PATROL GUIDE

Section: Arrests		Procedure No: 208-05	
<b>ARREST - GENERAL SEARCH GUIDELINES</b>			
DATE EFFECTIVE: 08/23/21	LAST REVISION: I.O. 75	PAGE: 1 of 5	

## ARRESTING OFFICER

1. Comply with the provisions of P.G. 208-02, "Arrests-Removal to Department Facility for Processing," P.G. 208-03, "Arrests-General Processing," P.G. 208-15, "Arrest Report Preparation at Stationhouse" and the following:

### SEARCH OF ARRESTED PERSONS

To maximize security and minimize potential hazards to the arresting officer, the arrested person, and other Department personnel, the following guidelines are published for the information of all members of the service:

#### A. FRISK/FIELD SEARCH

- (1) A frisk, performed primarily to ensure the personal safety of the arresting officer, is a methodical external body examination of the arrested person conducted immediately after apprehension to find weapons, evidence, or contraband. The frisk should be conducted before or immediately after the subject is rear handcuffed, depending upon particular circumstances, temperament of the subject, and escape potential. A thorough external body examination is made by sliding the hand over the subject's body, feeling for weapons or other objects, with special attention to the waistband, armpit, collar, and groin areas. If an unusual object is detected, the officer will reach into or under the clothing to remove it.

#### **NOTE**

*If the arrestee has a mobility disability and requires the use of a wheelchair, scooter, etc., the arrestee should be rear cuffed while remaining seated. The frisk shall be performed on the lower body by sliding hands up each leg and under the buttocks, palms facing upwards. For the device (i.e., wheelchair, scooter, etc.), the uniformed member of the service should slide hands, palms facing down, over accessible areas of the device. The seat should be checked by sliding hands under the buttocks, palms facing down, to cover the entire seat. The arrestee should then be transported to an Americans with Disabilities Act (ADA) compliant precinct.*

#### B. SEARCH AT POLICE FACILITY

- (1) Upon arrival at precinct of arrest or other Department facility, the arresting officer (if he/she is of the same gender as prisoner) or another designated member of the same gender as the prisoner, shall conduct a thorough search of the prisoner's person and clothing to ensure the safety of all persons within the facility and to remove weapons, contraband, and evidence not discovered by the frisk. Other items lawfully carried but that are dangerous to life, may facilitate escape, or may be used to damage Department property will also be removed from the subject.
- (2) A search at a police facility, which is not the same as a "strip search," includes the removal of outer garments (e.g., overcoats, jackets, sweaters, vests, hats, wigs, ties, belts, shoelaces, drawstrings, shoes,

# PATROL GUIDE

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## ARRESTING OFFICER (continued)

socks, handbags, wallets, etc.). All pockets are to be emptied and all clothing not removed will be examined by grabbing, crushing and squeezing the garments and by sliding the hands across the body to detect articles that may be underneath or sewn to the clothing.

- (3) Comply with *P.G. 208-83, "Arrests – Religious Head Covering Guidelines,"* as necessary, if prisoner is wearing a religious head covering.

### NOTE

*In cases where there is a disagreement between the desk officer and an arresting officer's immediate supervisor from an outside command as to whether or not to remove a religious head covering for safety/security concerns, the desk officer will make the final determination.*

- (4) If the arrestee has a mobility disability:
  - a. If arrestee uses an assistive device (e.g., wheelchair, scooter, prosthetic limb, crutches, cane, etc.), ask arrestee if it is safe for them to remove, and/or be removed from, the assistive device, and for consent to do so
    - (1) If consent is given, and arrestee is able to safely remove, and/or be removed from, the assistive device, the uniformed member of the service should identify an appropriate seating area to move arrestee to, and perform a thorough search
  - b. A thorough search of the assistive device must be completed, ensuring all attachments and compartments are searched
    - (1) Once thorough searches of the arrestee and assistive device are completed, the assistive device should be returned to the arrestee as long as it is safe to do so. A handheld metal detector can be used to assist with the search
    - (2) Comply with *P.G. 210-08, "Guidelines for Prisoner Holding Pens,"* if it is determined that it is not safe to return assistive device to arrestee
  - c. The arrestee should be lodged in an Americans with Disabilities Act (ADA) compliant lodging cell
    - (1) If arrestee gives consent, but is unable to lift themselves out of, or remove, an assistive device, Emergency Medical Service (EMS) should be dispatched to location to assess the situation
      - (a) EMS will assist with the search or remove the arrestee to a hospital, as necessary
  - d. Contact the Legal Bureau, if arrestee refuses to be searched in accordance with subdivisions "a" through "c" above.

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## ARRESTING OFFICER (continued)

- (5) In order to achieve a balance between the privacy and personal dignity concerns of arrestees, the desk officer or supervisor supervising a search at a police facility shall assign a uniformed member to conduct the search as follows:
- a. In situations where an arrestee's gender is not immediately apparent or an arrestee objects to the gender of the member assigned to perform the search, the desk officer or supervisor supervising the search will assign a uniformed member of the gender requested by the arrestee, consistent with officer safety and resource availability. Consistent with the privacy concerns of the arrestee, only those officers reasonably necessary to conduct the search should be present for the search
  - b. Under no circumstances shall members of the service conduct searches for the purpose of determining gender. Additionally, officers shall not ask questions about an arrestee's anatomy without a reasonable basis for doing so. Refer to *A.G. 304-06, "Prohibited Conduct."*

### NOTE

*In the event the gender of the officer assigned to conduct the search differs from the gender requested by the arrestee, the desk officer or supervisor supervising the search shall make a detailed entry in the Command Log regarding the factors considered in assigning member(s) to conduct the search and identities of the uniformed member(s) who actually conducts the search.*

### C. STRIP SEARCH

- (1) A strip search is any search in which an individual's undergarments (e.g., bra, underwear, etc.) and/or private areas are exposed or in which an individual's clothing is removed, lifted up, or pulled down to expose undergarments or private areas. A strip search of a prisoner may not be conducted routinely in connection with an arrest. Strip searches may only be conducted with the knowledge and approval of the arresting officer's immediate supervisor or the borough Court Section supervisor. A strip search may only be conducted when the arresting officer reasonably suspects that weapons, contraband, or evidence may be concealed upon the person or in the clothing in such a manner that they may not be discovered by the previous search methods.

### NOTE

*If a strip search is conducted, such information will be entered in the Command Log, arresting officer's digital **Activity Log**, and also documented on the **ON-LINE BOOKING SYSTEM ARREST WORKSHEET (PD244-159)** or the **ARREST REPORT - SUPPLEMENT (PD244-157)**. A subsequent strip search will not be conducted unless there is reasonable belief that the subject has acquired a weapon or contraband.*

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## ARRESTING OFFICER (continued)

- (2) The arresting officer requesting authorization to conduct a strip search must describe the factual basis for the request to the officer's immediate supervisor/borough Court Section supervisor. A supervisor will authorize a strip search only when an arresting officer has articulated a reasonable suspicion that the individual is concealing evidence, contraband, or a weapon. Note, this is a different standard than the probable cause required for the arrest. The immediate supervisor of the arresting officer/borough Court Section supervisor, based on the facts presented, will determine if a strip search should be conducted. The supervisor authorizing the strip search is responsible for ensuring the search is conducted properly.
- (3) Other factors that should be considered in determining whether an appropriate basis exists for a strip search include the nature of the crime (i.e., serious violent felony), arrest circumstances, subject's reputation (i.e., extremely violent person), acts of violence, unaccounted "hits" on magnetometers or walk-through metal detectors, and any discoveries or information from previous searches of the same individual or others arrested with him/her.

### NOTE

*In cases where there is a disagreement between the desk officer and an arresting officer's immediate supervisor from an outside command as to whether or not to conduct the strip search, the desk officer will notify the precinct/police service area/transit district commanding officer or duty captain. The precinct/police service area/transit district commanding officer or duty captain will make the final decision whether or not to conduct the strip search.*

- (4) A strip search shall be conducted only by a member of the same gender as the arrested person, in a secure area, in utmost privacy, and in the presence of only those members of the service reasonably necessary to conduct the search. In order to achieve a balance between the privacy and personal dignity concerns of arrestees, the desk officer or supervisor supervising a strip search shall assign a uniformed member to conduct the search as follows:
  - a. In situations where an arrestee's gender is not immediately apparent or an arrestee objects to the gender of the member assigned to perform the search, the desk officer or supervisor supervising the search will assign a uniformed member of the gender requested by the arrestee, consistent with officer safety and resource availability.
  - b. Under no circumstances shall members of the service conduct searches for the purpose of determining gender. Additionally, officers shall not ask questions about an arrestee's anatomy without a reasonable basis for doing so. Refer to A.G. 304-06, "Prohibited Conduct."

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## **NOTE**

*In the event the gender of the officer assigned to conduct the search differs from the gender requested by the arrestee, the desk officer or supervisor supervising the search shall make a detailed entry in the Command Log regarding the factors considered in assigning member(s) to conduct the search and identities of the uniformed member(s) who actually conducts the search.*

## **ARRESTING OFFICER (continued)**

It should not be necessary to touch the subject's body, except for the examination of the hair. UNDER NO CONDITIONS SHALL A BODY CAVITY SEARCH BE CONDUCTED BY ANY MEMBER OF THE SERVICE. If pursuant to a strip search, any object or foreign material is visually detected within any body cavity of the suspect, the desk officer will be notified immediately. The object WILL NOT be removed without first obtaining a search warrant. Once the search warrant is obtained, members of the service must seek the assistance of a medical professional in order to remove the object.

- (5) A strip search will not be conducted after a decision is made to void an arrest or to release the prisoner immediately upon issuance of a summons.

## **RELATED PROCEDURE**

*Arrests - Removal to Department Facility for Processing (P.G. 208-02)*  
*Arrests - General Processing (P.G. 208-03)*  
*Arrests - Security Measures (P.G. 208-06)*  
*Arrest Report Preparation at Stationhouse (P.G. 208-15)*  
*Performing Local, State and Federal Warrant Checks (P.G. 208-22)*  
*Notification to the Detective Bureau when a Specified Condition Exists/is Suspected (P.G. 208-73)*  
*Guidelines for Prisoner Holding Pens (P.G. 210-08)*  
*Mentally Ill or Emotionally Disturbed Persons (P.G. 221-13)*

## **FORMS AND REPORTS**

**ARREST REPORT - SUPPLEMENT (PD244-157)**  
**ON-LINE BOOKING SYSTEM ARREST WORKSHEET (PD244-159)**



# PATROL GUIDE

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<b>ARRESTS - GENERAL PROCESSING</b>			
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## DEFINITION

**PREFERRED NAME** - The name an arrestee prefers to be called based on their gender identity. This name may be different from the name on identification documents in the arrestee's possession.

## PROCEDURE

After arrest has been effected and prisoner has been handcuffed:

## ARRESTING OFFICER

1. Immediately field search/frisk prisoner and search adjacent vicinity for weapons, evidence, and/or contraband.
2. Advise prisoners of rights before questioning in accordance with *P.G. 208-09, "Rights of Persons Taken into Custody."*
  - a. If a juvenile is taken into custody, notify the Real Time Crime Center Juvenile Desk (twenty-four hours a day/seven days a week), and parent/guardian immediately.
  - b. Before questioning a juvenile:
    - (1) Activate Body Worn Camera or recording device as per *P.G. 212-123, "Use of Body-Worn Cameras"* or *P.G. 215-29, "Electronic Recording of Custodial Interrogations of Juveniles,"* as applicable, and
    - (2) Read Miranda warnings to the juvenile utilizing **MIRANDA WARNINGS FOR JUVENILE INTERROGATIONS (PD244-1413)**.

## NOTE

***MIRANDA WARNINGS FOR JUVENILE INTERROGATIONS** should be read while parent/guardian is present. The juvenile may be questioned if the juvenile waives the Miranda rights in the presence of parent/guardian. The parent/guardian does not have to separately waive Miranda rights; they only need to be advised of such rights. However, if parent/guardian objects to questioning or requests an attorney for the juvenile, no questioning should occur, even if juvenile is willing to answer questions.*

- c. Juveniles will not normally be arrested for truancy.
  - (1) Truancy (Educational Law section 3213) may be added as a second charge, if juvenile is initially arrested on another charge.
  - (2) Truants may be frisked or scanned with a metal detector, in all cases.
  - (3) Truants may be handcuffed, if safety dictates.
- d. Comply with *P.G. 212-90, "Guidelines for Interaction with Limited English Proficient (LEP) Persons,"* or *P.G. 212-104, "Interaction with Persons who are Deaf or Hard of Hearing,"* if the prisoner and/or the parents/guardians of a juvenile in custody appear to have difficulty understanding/communicating in English, or appear to be Deaf or hard of hearing.

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- DESK OFFICER** 3. Immediately determine if prisoner presents a high risk of escape through interview and a comprehensive background investigation.
- a. Make determination as to whether a particular prisoner presents a potential escape risk on a case-by-case basis. Factors that can be considered in making this determination include:
    - (1) Seriousness of the offense charged,
    - (2) Prisoner’s unwillingness to identify himself /herself,
    - (3) Forcible resistance to arrest,
    - (4) Threats of violence and/or escape threats directed at uniformed members of the service,
    - (5) Known history of violence, weapons possession, or escape/attempted escape,
    - (6) Results of warrant and criminal history computer checks, particularly the utilization of the Domestic Awareness System (DAS) to obtain information on previous police contacts.
  - b. Prisoners designated “high risk” will have two uniformed members of the service assigned to escort at all times.
  - c. Ensure a criminal history check is completed for every prisoner arrested for Resisting Arrest (Section 205.30, Penal Law), Assault 2<sup>nd</sup> degree (Section 120.05, Penal Law, sub. 3), or Assault on a Peace Officer, Police Officer, Fireman, or Emergency Medical Services Professional (Section 120.08, Penal Law), or Aggravated Assault Upon a Police Officer or a Peace Officer (Section 120.11, Penal Law).
    - (1) If prisoner has been arrested for Resisting Arrest (Section 205.30, Penal Law), Assault 2<sup>nd</sup> degree (Section 120.05, Penal Law, sub. 3), or Assault on a Peace Officer, Police Officer, Fireman, or Emergency Medical Services Professional (Section 120.08, Penal Law), or Aggravated Assault Upon a Police Officer or a Peace Officer (Section 120.11, Penal Law), two or more times within the past five years, the prisoner shall be deemed a ‘Resisting Recidivist.’
    - (2) Ensure all arrests involving a Resisting Recidivist are enhanced by the precinct detective squad and that the District Attorney’s Office puts forth all efforts towards a successful prosecution.
  - d. If the prisoner appears to have a disability, which may affect mobility, speech, hearing, or mental ability, appropriate auxiliary aids to facilitate communication shall be used.
    - (1) A reasonable attempt shall be made to notify a relative or friend.
      - (a) All such attempts will be documented by the arresting or investigating uniformed member of the service.
4. Have vehicle or other conveyance **not required as evidence** safeguarded, if appropriate.



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- DESK OFFICER (continued)**
5. Question the arresting officer regarding:
    - a. Use of force, if applicable
  6. Observe physical and mental condition of all prisoners entering command and include results in Command Log.
    - a. Ensure that prisoners who appear to be ill, injured, or emotionally disturbed obtain appropriate medical/psychiatric attention. (See *P.G. 210-04, "Prisoners Requiring Medical/Psychiatric Treatment"*)
    - b. Direct arresting officer to notify Health and Hospitals Corporation (HHC) police, or hospital security personnel if no HHC police are assigned to the hospital, whenever a prisoner is brought to their facility for medical treatment.
    - c. Direct arresting officer to notify Health and Hospitals Corporation (HHC) police, or hospital security personnel if no HHC police are assigned to the hospital immediately, if a prisoner escapes from custody at the hospital.
    - d. Have arresting officer request a secured location that can be used for treatment of prisoner, when available, from emergency room staff.
  7. Notify commanding officer/duty captain to verify the arrest, if the arrest is effected by an off-duty uniformed member of the service.
    - a. If arrest is effected by a member of another police agency, that agency will be notified.
- COMMANDING OFFICER / DUTY CAPTAIN**
8. Respond to stationhouse and verify arrest made by off-duty uniformed member of the service.
  9. Have **UNUSUAL OCCURRENCE REPORT (PD370-152)** prepared with details of arrest made by off-duty uniformed member of the service.
- DESK OFFICER**
10. Direct arresting officer to make a thorough search of the prisoner in your presence.
    - a. Conduct all searches in accordance with *P.G. 208-05, "Arrests – General Search Guidelines."*
    - b. Once a strip search is authorized, (see *P.G. 208-05, "Arrests – General Search Guidelines,"* step "1", subdivision "C"), the desk officer, precinct of occurrence/central booking supervisor will ensure that the following entries are made in Department records:
      - (1) Command Log entry – including the basis for the strip search; rank, name, and command of supervisor authorizing the search; rank, name, and command of member of the service performing the search; name of prisoner(s); and, the results of the search, including negative results.
      - (2) The supervisor authorizing such a search will ensure the command and Command Log page number of the entry will be documented in the "Narrative" section of the **ON-LINE BOOKING SYSTEM ARREST WORKSHEET (PD244-149)** or the **ARREST REPORT - SUPPLEMENT (PD244-157)**.

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## DESK OFFICER (continued)

- (3) Direct the arresting officer to prepare a digital **Activity Log** entry of the above information. Also, include on the Prisoner Movement Slip if prepared, the statement, "Strip Searched," with the command and Command Log page number of the entry in the "Detention Alert" section of the form under the sub-caption, "Other." Consistent with *A.G. 304-06, "Prohibited Conduct,"* indicate preferred name, if any, on Prisoner Movement Slip.
11. Direct arresting officer to inquire of prisoner whether a dependent adult/child is uncared for at prisoner's residence.
  - a. Enter results of inquiry in Command Log.
  - b. Comply with *P.G. 215-01, "Children or Minors Requiring Care and/or Shelter,"* if it is determined that dependent adult/child is alone in prisoner's residence.
12. Have the following property removed from prisoner:
  - a. Unlawfully carried
  - b. Required as evidence
  - c. Lawfully carried, but dangerous to life, would facilitate escape, could be used to attempt/commit suicide, or assault another (e.g., articles containing glass or having sharp edges, belts, neckties, shoelaces, drawstrings, etc.)
  - d. Can be used to deface or damage property
  - e. Personal (identification card, debit/credit cards, etc.), except clothing, ONLY if prisoner is intoxicated or unconscious
  - f. Auxiliary Police Shield, Civil Defense Shield/Identification Card
    - (1) Forward to Auxiliary Police Section, with report of facts.
  - g. Legally possessed prescription drugs (including methadone)
    - (1) Invoice prescription drugs for safekeeping and place in Plastic Security Envelope in prisoner's presence. Issue "Prisoner/Finder/Owner" copy of **PROPERTY CLERK INVOICE (PD521-141)** as a receipt to prisoner.
    - (2) Prepare **MEDICAL TREATMENT OF PRISONER (PD244-150)** to alert detention facility personnel that prisoner may require a prescription drug.
    - (3) Return prescription drugs to prisoner upon release, if prisoner is to be released on Desk Appearance Ticket, voided arrest, etc. If not, deliver to borough Property Clerk in normal manner.
  - h. Handgun License
    - (1) Forward license to the Commanding Officer, License Division and comply with *P.G. 212-118, "Incidents Involving Holders of Handgun Licenses or Rifle/Shotgun Permits"* in regards to reporting the arrest of a handgun licensee to the License Division and the removal of firearms listed on the handgun license.

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## DESK OFFICER (continued)

- i. Rifle/Shotgun Permit
  - (1) Forward permit to the Commanding Officer, License Division and comply with *P.G. 212-118, "Incidents Involving Holders of Handgun Licenses or Rifle/Shotgun Permits"* in regards to reporting the arrest of a rifle/shotgun permit holder to the License Division and the removal of firearms registered under the permit.
- j. New York City Police Department retiree identification card or identification card of retired uniformed members of the service of the former New York City Housing Police Department or the New York City Transit Police Department.
  - (1) Forward card to Human Resources Division, with report of facts.
13. Give itemized receipt for property temporarily removed from the prisoner which is not to be held in police custody.
14. Ask prisoner(s) if they want any personal property they possess to be vouchered for safekeeping, other than property removed under steps "12" and "13".
  - a. A Command Log entry **must** be made indicating either the prisoner refused or the **PROPERTY CLERK INVOICE** number for property safeguarded.

## ARRESTING OFFICER

15. Request the assistance of the detective squad if the prisoner is arrested for homicide, serious assault, robbery, burglary, grand larceny, or other serious or unusual crime.
16. Prepare arrest related documents, as necessary.
  - a. Comply with any applicable provisions of *P.G. 208-15, "Arrest Report Preparation at Stationhouse."*
17. Provide complainant with prisoner's name, charges, arresting officer's name, precinct of occurrence, **PROPERTY CLERK INVOICE** number, if any, and the location of the appropriate court.
18. Advise prisoner, 18 years of age or older, of right to make three telephone calls without charge.
  - a. One of the calls may be placed anywhere within the United States or Puerto Rico. The remaining calls may be placed anywhere within New York City.
  - b. Phone calls will not be allowed or may be terminated at any time if the calls would compromise an ongoing investigation or prosecution, if the ends of justice may be otherwise defeated, or a dangerous condition may be created.
  - c. Permit prisoner adequate opportunity to make telephone calls to check on the status and well-being of their child.
  - d. Make telephone calls for the prisoner if the prisoner is incapacitated by alcohol and/or drugs.

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## ARRESTING OFFICER (continued)

- e. Make telephone calls, or request other appropriate auxiliary aids (including the use of a qualified sign language interpreter or a Telecommunication Relay Service [TRS]) to assist the prisoner in making phone calls, if the prisoner is unable to use a telephone due to speech impairment or being Deaf or hard of hearing. Should the prisoner request to telephone an individual with a speech disability or who is Deaf or hard of hearing, dial “711” for the TRS operator and be instructed accordingly.
- f. Inform prisoner that phone number(s) and associated addresses stored on a cellular phone that is not being invoiced as “Arrest” or “Investigatory” evidence may be accessed and recorded for the benefit of the prisoner in order to assist during pre-arraignment processing at the borough Court Section.
  - (1) Have prisoner sign **CELLULAR PHONE INFORMATION CONSENT FORM (PD389-051)**, and provide passcode. Retrieve up to three phone numbers, associated addresses (if available), and contact names from the cellular phone.
  - (2) If consent is obtained and **CONSENT FORM** is signed, retrieve only phone numbers, associated addresses (if available) and contact names as listed in the cellular phone, and contact name/relationship requested by prisoner, and record on the **ON-LINE BOOKING SYSTEM ARREST WORKSHEET, CONSENT FORM**, and in Omniform system.
  - (3) If consent is obtained and prisoner refuses to sign **CONSENT FORM**, write “REFUSED” on “Signature of Person Consenting” line, witnessed by another uniformed member of the service, and make an entry in digital **Activity Log** documenting refusal and comply with subdivision “(2)” above.
  - (4) If prisoner refuses to consent and sign **CONSENT FORM**, write “REFUSED” on “Signature of Person Consenting” line and make an entry in digital **Activity Log** documenting refusal. Cellular phone will not be accessed.
  - (5) Include photocopy of **CONSENT FORM** in arrest package, and provide original copy to the prisoner prior to being removed to the borough Court Section.
    - (a) Instruct the prisoner to provide original copy of the form to the Criminal Justice Agency (CJA) representative, as this will assist in processing, etc.

### NOTE

*The **CONSENT FORM** will be used to document contact information for three individuals on behalf of CJA, and under no circumstances is any other information, conversation, or image (e.g., photos, messages, emails, applications, etc.), to be obtained or recorded without separately obtaining a consent to search for that purpose or a warrant. Refer to P.G. 212-75, “Search Warrant Applications.”*

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**NOTE**  
**(continued)**

*If circumstances or conditions arise, requiring the retrieval of additional numbers from the prisoner's phone, the preparation of an additional **CONSENT FORM** will be required. The arresting officer will note the preparation of a second **CONSENT FORM** at the top of the first **CONSENT FORM**.*

*To ensure officer safety and to prevent escape of a prisoner or the destruction of evidence while phone numbers are being retrieved, a prisoner must be either secured in a holding cell, or by handcuffs.*

*In certain arrest situations, the prisoner may be granted possession of his/her phone to retrieve contact numbers, provided the arresting officer can articulate there are no safety and/or escape concerns, or risk of destruction of evidence, witness tampering, or victim/witness intimidation.*

**ARRESTING OFFICER**  
**(continued)**

19. Notify relatives or friends if the prisoner is under nineteen years of age, or is admitted to a hospital, or is apparently emotionally disturbed.
20. Prepare a **MISSING - UNIDENTIFIED PERSON REPORT (PD336-151)** and notify the precinct detective squad and the Missing Person Squad, if unable to make the above notification.
  - a. If the notification is made after preparation of the **MISSING - UNIDENTIFIED PERSON REPORT**, notify the detective squad and the Missing Person Squad.
21. Comply with *P.G. 214-07, "Cases for Legal Action Program,"* if applicable, which ensures that all New York City Public Housing residents who are arrested pursuant to the execution of a search warrant where contraband is recovered or arrested for a designated crime committed on the grounds of any New York City Public Housing Development are targeted for possible eviction proceedings.
22. Perform license check through FINEST, using the "DALL" format, on all defendants arrested for the following:
  - a. Driving a stolen vehicle, or,
  - b. Driving an auto with an altered vehicle identification number (VIN), or,
  - c. Driving an auto with stolen plates.
23. Comply with *P.G. 208-72, "Obtaining Prisoner DNA Sample,"* if discovered that prisoner owes DNA for inclusion in the New York State DNA Databank.
24. Deliver the following completed forms to the desk officer:
  - a. **ON-LINE BOOKING SYSTEM ARREST WORKSHEET (PD244-159)**.
    - (1) Ensure that any graffiti tag and/or gang-related nickname is entered in the appropriate box, if applicable.
    - (2) Indicate any preferred name used by prisoner in "Nickname/Alias/Maiden Name" section, prefaced by "P-".
  - b. **COMPLAINT REPORT WORKSHEET (PD313-152A)**, if appropriate.
    - (1) If the arrest is for a crime previously reported and recorded on a **COMPLAINT REPORT**, use the serial number assigned to the original **COMPLAINT REPORT**.

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## ARRESTING OFFICER (continued)

- (2) Follow *P.G. 208-11*, “*Arrest Processing – ‘Livescan’ Fingerprinting and Palmprinting*” immediately upon desk officer’s review and approval of **COMPLAINT REPORT WORKSHEET**.
- c. **PROPERTY CLERK INVOICE WORKSHEET (PD521-141A)** for evidence or other property taken into police custody.
  - (1) A separate **WORKSHEET** will be prepared for firearms, narcotics, or other property requiring analysis at the Police Laboratory.
- d. **REQUEST FOR LABORATORY EXAMINATION REPORT (PD521-168)**, if required.
- e. **JUVENILE ARREST INVESTIGATION/PROBATION INTAKE REPORT WORKSHEET (PD277-151A)**, if appropriate.
  - (1) One copy of typed report will be forwarded with the arrest documents and distribute the remaining copies to the precinct youth coordination officer, Youth Strategies Division, and juvenile detention facility, if juvenile is detained.
- f. **MEDICAL TREATMENT OF PRISONER**, if prepared.
  - (1) Prepare the form if the prisoner receives medical/psychiatric treatment, refuses treatment after claiming an injury or illness, already has previously treated prior injuries, is in apparent need of treatment, or may require prescribed medication.
  - (2) If the prisoner is issued a **DESK APPEARANCE TICKET**, deliver the “Buff” copy of **MEDICAL TREATMENT OF PRISONER** to desk officer for file, as appropriate, and email remaining copies to borough Court Section.
- g. **NYCHA TRESPASS CRIMES – FACT SHEET AND SUPPORTING DEPOSITION (PD351-145)**, if appropriate.
  - (1) Prepare form if arrest includes a charge for trespass or criminal trespass in a New York City Housing Authority building.
25. Prepare **ARREST CHECKLIST (PD244-041)**.
  - a. Check appropriate box for each document/form delineated on the checklist.
  - b. List individually all other documents/forms prepared.
  - c. Complete **VEHICLE REPORT (PD371-145)** in Finest Online Records Management System (FORMS), if arrest is the result of a vehicle, bicycle, motorized scooter, e-scooter, or e-bike stop.
26. Deliver **ARREST CHECKLIST** with the following items to the desk officer:
  - a. Photocopies/snap-out copies of the documents and forms delineated on the **ARREST CHECKLIST** in every case in which they are prepared
  - b. Photocopies of all other documents/forms prepared

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**ARRESTING OFFICER (continued)**

- c. Photographs of evidence motor vehicles returned to owner (see *P.G. 218-18, "Photographing Stolen Evidence Vehicles When an Arrest is Made"*).

**DESK OFFICER**

- 27. Examine all documents/forms to ensure completeness and accuracy and sign all documents/forms as required.
  - a. Review **ARREST CHECKLIST** to ensure all documents and forms prepared in connection with the arrest are listed on the **ARREST CHECKLIST** and are available.
  - b. Return **ARREST CHECKLIST** to arresting officer for delivery to the District Attorney or Corporation Counsel in the Complaint Room or deliver in accordance with borough guidelines.
- 28. Ensure the arresting officer has complied with *P.G. 214-07, "Cases for Legal Action Program,"* if applicable.
- 29. Ascertain that the following entries are made:
  - a. Statement that a prisoner, charged with criminal possession of a controlled substance with intent to sell or unlawful sale of a controlled substance, is a seller, and indicate reasons for that conclusion in the narrative block of the **ON-LINE BOOKING SYSTEM ARREST WORKSHEET**.
  - b. Contact information of arrestee (i.e., residence address, preferred mailing address, cell phone/home/work number, e-mail address, etc.) is entered on all appropriate forms.
  - c. Names, addresses, and telephone numbers of witnesses are entered on the **COMPLAINT REPORT** or the **Omniform Complaint Revision**, if prepared.
  - d. Statement on **PROPERTY CLERK INVOICE** that property (other than vehicle) is valuable, contains identifying marks, and that the Stolen Property Inquiry Unit (SPIU) was notified, including the name and rank/title of the person at SPIU notified.
  - e. Information concerning alarms transmitted or cancelled, with operator's name entered on **COMPLAINT REPORT** and **PROPERTY CLERK INVOICE**, as required. State and police agency must be included if alarm is transmitted by other than a New York State agency. If no alarm is transmitted, state so.
  - f. A hard copy of the **FINEST** screen containing the notification to S.P.I.U. is attached to the **COMPLAINT REPORT**, **Omniform Complaint Revision** or **PROPERTY CLERK INVOICE**, whichever most accurately reflects the current status of a motor vehicle/boat/plate being reported stolen, recovered, etc.
  - g. Enter details of notification in Command Log (name, address, relationship) when prisoner is of unsound mind, or under nineteen years of age, or is admitted to a hospital.
  - h. Enter in Command Log information concerning release of prisoner to member of Highway District to conduct required tests.

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## DESK OFFICER (continued)

- i. Enter chemical test results on **ON-LINE BOOKING SYSTEM ARREST WORKSHEET** under caption, "Narrative."
- j. Enter any change in the custody of the prisoner in the Command Log and notify borough Court Section for computer entry of new prisoner location.
- k. Document any other pertinent facts in the Command Log, including serial numbers of any forms prepared regarding arrest.
- l. Notify Court Section supervisor for computer entry when prisoner is admitted to a hospital (see *P.G. 210-02, "Hospitalized Prisoner"*).
  - (1) Record notification in Telephone Record.
- m. Ensure that all phone calls, up to a maximum of three, or refusal to make phone calls, are recorded on the **ON-LINE BOOKING SYSTEM ARREST WORKSHEET** and properly entered into Omniform.
30. Refer "FOA" cases (offenses not triable in New York City courts or violation of parole or probation) to detective squad.
31. Direct that "Have Arrested Message" is transmitted, if required.
32. Make notifications as required by *P.G. 208-69, "Notifications in Certain Arrest Situations."*
33. Request borough Court Section concerned to provide transportation **only** when large numbers of prisoners must be transported or unusual circumstances dictate use of a patrolwagon.
34. Confer with borough Court Section supervisor prior to transporting a prisoner who is confined to a wheelchair or otherwise mobility impaired, and be guided by his/her direction regarding lodging and further processing.
35. Return the following forms to the arresting officer for delivery to the assistant district attorney in the Complaint Room or deliver in accordance with borough procedures.
  - a. **ON-LINE BOOKING SYSTEM ARREST WORKSHEET**
  - b. Fingerprint forms, if prepared
  - c. "ADA" copy of the **PROPERTY CLERK INVOICE**, if evidence has been invoiced
  - d. **SUPPORTING DEPOSITION (PD244-060)**, if prepared
  - e. **MEDICAL TREATMENT OF PRISONER** form, if prepared
  - f. **JUVENILE ARREST INVESTIGATION/PROBATION INTAKE REPORT WORKSHEET**, if prepared.
36. Make necessary entries in Command Log, Interrupted Patrol Log, and **ROLL CALL**, when required, indicating arresting officer's time of departure to borough Court Section.
37. Comply with *P.G. 208-83, "Arrests – Religious Head Covering Guidelines,"* as necessary, if prisoner is wearing a religious head covering.

## ARRESTING OFFICER/ ESCORTING OFFICER

38. Deliver prisoner to borough Court Section or lodging location designated by borough Court Section concerned.
  - a. Inform borough Court Section supervisor if prisoner(s) was strip-searched, including reason for and results of the search.



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- ARRESTING OFFICER/ ESCORTING OFFICER (continued)**
39. Present all forms relating to arrest to the borough Court Section supervisor.
40. Comply with all directions of the borough Court Section supervisor.
- BOROUGH COURT SECTION SUPERVISOR**
41. Examine all forms to verify completeness and accuracy.
42. Forward a complete set of **MEDICAL TREATMENT OF PRISONER** form, if prepared, with arresting/escorting officer to Department of Corrections (see *P.G. 210-04, "Prisoners Requiring Medical/Psychiatric Treatment"*).
- a. Arresting/escorting officer will obtain receipted pink copy of the form and return it to the borough Court Section facility.
43. Ensure that the computer-generated Prisoner Movement Slip has a notation in the Detention Alert section when a prisoner is violent, resists arrests, is emotionally disturbed, threatens, or attempts suicide. When a prisoner has been strip-searched, enter that fact under "Other," in the Detention Alert section. Include the command and Command Log page number for reference. A notation indicating that the prisoner has been strip-searched will also be made on the **PRISONER TRANSPORT DISPATCH (PD171-132)** for notification to the desk officer, precinct of detention.
44. Comply with *P.G. 208-83, "Arrests – Religious Head Covering Guidelines,"* as necessary, if prisoner is wearing a religious head covering.
45. Return the following arrest-related documents to command for filing in arrest folder:
- a. Arresting officer's copy of the Court Complaint
- b. **ON-LINE BOOKING SYSTEM ARREST WORKSHEET**
- c. "Arresting Officer" copy of the **PROPERTY CLERK INVOICE**, if prepared.
- ARRESTING OFFICER**
46. Notify assistant district attorney drawing up the court complaint of all verbal and written statements made by the defendant, and any procedures used to assist a witness or complainant to identify the defendant.
- a. Record this notification in digital **Activity Log**.
47. Bring all related papers to each subsequent court appearances.
- YOUTH COORDINATION OFFICER**
48. Follow up on arrests of youths under 18 years of age.
- ADDITIONAL DATA**
- ARRESTEE SURRENDERS AT LAW ENFORCEMENT FACILITY*
- When a prisoner has surrendered at a law enforcement facility and is accompanied by an attorney, the uniformed member of the service may request authorization from the immediate supervisor not to use handcuffs, after the supervisor and the member have evaluated the following criteria:*
- a. *Potential threat to the officer, prisoner, and other persons*
- b. *Possibility of prisoner escaping.*

# PATROL GUIDE

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**ADDITIONAL  
DATA**  
(continued)

*UNDER NO CIRCUMSTANCES WILL ARREST PROCESSING BE UNNECESSARILY DELAYED TO OBTAIN THE DOCUMENTS REQUIRED UNDER STEP "25".*

ARREST REPORT PEDIGREE

*For booking purposes, a member of the service shall write an arrestee's name and gender as it appears on a driver's license, permit, or non-driver photo identification. If the arrestee uses a Preferred Name, that name shall be listed in the:*

- a. *"Preferred Name" section of the **PRISONER PEDIGREE CARD (PD244-092)***
- b. *Next to defendant's name on the Prisoner Movement Slip, prefaced by "Preferred Name:"*
- c. *"Nickname/Alias/Maiden Name" section of the **ON-LINE BOOKING SYSTEM ARREST WORKSHEET**, prefaced by "P-".*

*Consistent with A.G. 304-06, "Prohibited Conduct", regardless of whether the name on the arrestee's identification coincides with the arrestee's gender identity, the member of the service shall refer to the arrestee by the preferred name, if any, as requested. The member shall use the pronouns consistent with that name in addressing or referring to the arrestee.*

ARRESTS BY DEPARTMENT OF ENVIRONMENTAL PROTECTION POLICE

*When assisting a Department of Environmental Protection (DEP) police officer during arrest processing, arrest processing officers and desk officers will continue to be guided by the following Patrol Guide provisions: P.G. 208-02, "Arrests - Removal to Department Facility for Processing", P.G. 208-03, "Arrests - General Processing", P.G. 208-15, "Arrest Report Preparation at Stationhouse" and P.G. 210-03, "Hospitalized Prisoners - Arrests by Members of Other Police Agencies."*

*DEP police personnel will normally be responsible for transporting their own officers and prisoners to the borough Court Section. However, when circumstances permit, the desk officer may direct precinct personnel responding to the borough Court Section facility to also transport the DEP police officer and his/her prisoner. In all other cases, the DEP arresting officer will report to the Complaint Room for affidavit preparation.*

**RELATED  
PROCEDURES**

*Arrests - Removal to Department Facility for Processing (P.G. 208-02)*  
*Arrest - General Search Guidelines (P.G. 208-05)*  
*Arrests - Security Measures (P.G. 208-06)*  
*Rights of Persons Taken into Custody (P.G. 208-09)*  
*Arrest Processing - "Livescan" Fingerprinting and Palmprinting (P.G. 208-11)*  
*Arrest Report Preparation at Stationhouse (P.G. 208-15)*  
*Performing Local, State and Federal Warrant Checks (P.G. 208-22)*  
*Notifications in Certain Arrest Situations (P.G. 208-69)*  
*Notification to the Detective Bureau when a Specified Condition Exists/is Suspected (P.G. 208-73)*  
*Hospitalized Prisoners (P.G. 210-02)*  
*Prisoner Requiring Medical/Psychiatric Treatment (P.G. 210-04)*  
*Guidelines for Interaction with Limited English Proficient (LEP) Persons (P.G. 212-90)*  
*Incidents Involving Holders of Handgun Licenses or Rifle/Shotgun Permits (P.G. 212-118)*  
*Interaction with Hearing Impaired Persons (P.G. 212-104)*  
*Cases for Legal Action Program (P.G. 214-07)*  
*Children or Minors Requiring Care and/or Shelter (P.G. 215-01)*  
*Utilization of the Juvenile Desk (P.G. 215-21)*  
*Photographing Stolen Evidence Vehicles when an Arrest is Made (P.G. 218-18)*

# PATROL GUIDE

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## **FORMS AND REPORTS**

### ***AIDED REPORT***

***ARREST REPORT - SUPPLEMENT (PD244-157)***

***ARREST CHECKLIST (PD244-041)***

***COMPLAINT REPORT WORKSHEET (PD313-152A)***

***CELLULAR PHONE INFORMATION CONSENT FORM (PD389-051)***

***JUVENILE ARREST INVESTIGATION/PROBATION INTAKE REPORT  
WORKSHEET (PD277-151A)***

***MEDICAL TREATMENT OF PRISONER (PD244-150)***

***MIRANDA WARNINGS FOR JUVENILE INTERROGATIONS (PD244-1413)***

***MISSING – UNIDENTIFIED PERSON REPORT (PD336-151)***

***ON-LINE BOOKING SYSTEM ARREST WORKSHEET (PD244-159)***

***PRISONER PEDIGREE CARD (PD244-092)***

***PRISONER TRANSPORT DISPATCH (PD171-132)***

***PROPERTY CLERK INVOICE (PD521-141)***

***PROPERTY CLERK INVOICE WORKSHEET (PD521-141A)***

***REQUEST FOR LABORATORY EXAMINATION REPORT (PD521-168)***

***SUPPORTING DEPOSITION (PD244-060)***

***NYCHA TRESPASS CRIMES – FACT SHEET AND SUPPORTING DEPOSITION  
(PD351-145)***

***UNUSUAL OCCURRENCE REPORT (PD370-152)***

***VEHICLE REPORT (PD371-145)***

***Omniform Complaint Revision***



# ADMINISTRATIVE GUIDE

Section: General Regulations		Procedure No: 304-06
<b>PROHIBITED CONDUCT</b>		
DATE EFFECTIVE: 09/13/23	LAST REVISION: R.O. 47	PAGE: 1 of 4

## PROHIBITED CONDUCT

1. Engaging in conduct prejudicial to good order, efficiency, or discipline of the Department.
2. Using discourteous or disrespectful remarks regarding another person’s age, ethnicity, race, religion, gender, gender identity/expression, sexual orientation, or disability.
  - a. Members shall address the public using pronouns, titles of respect, and preferred name appropriate to the individual’s gender identity/expression as expressed by the individual.
  - b. The term “gender” shall include actual or perceived sex and shall also include a person’s gender identity, self-image, appearance, behavior, or expression, whether or not that gender identity, self-image, appearance, behavior, or expression is different from that traditionally associated with the legal sex assigned to that person at birth.
3. Consuming any amount of intoxicants while on duty whether in uniform or civilian clothes.
  - a. Member assigned to duty in civilian clothes may be granted permission by the bureau chief/counterpart concerned based upon the nature of the member’s assignment.
4. Bringing or permitting an intoxicant to be brought into a Department building, facility, booth, boat, or vehicle, except in performance of police duty.
5. Entering premises serving intoxicants, except for meal, personal necessity, or performance of duty.
6. Having a romantic relationship with a subordinate member who is routinely under the direct supervision of the supervising member.

### NOTE

*Romantic relationships between supervisors and subordinates who the supervisor routinely supervises will result in the transfer of one of the involved parties. Members of the service are strongly encouraged to make a notification requesting a transfer in order to avoid workplace disruption.*

7. Engaging in a relationship beyond the scope of official duties with:
  - a. Confidential informants, witnesses, or victims while on or off duty
  - b. Any youth/young adult assigned to the various programs the Department operates (i.e., explorers, cadets, interns, volunteers, etc.) while on or off duty
  - c. Any youth/young adult who attends school where member is temporarily or permanently assigned for duty.

### NOTE

*Conduct beyond the scope of official duties includes but is not limited to any of the following activities: dating, romantic/sexual relationship, socializing, carpooling, unauthorized meet-ups, unauthorized home visits, contact via social media, forum, message, chat, or other sites and/or applications. Communication while off duty is strictly limited to work related exchanges (authorized field trips, assignments, questions, duties/responsibilities, etc.). Members are required to utilize their Department email account for this purpose.*

# ADMINISTRATIVE GUIDE

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**NOTE**

*(continued)*

*When members are communicating with persons enumerated in step “7” and acting in accordance with official duties, such authorized communication may occur in the form of a home visit, telephone, and/or text. Additionally, in some instances it may also be appropriate to contact the person via social media when other points of contact are not known.*

**PROHIBITED  
CONDUCT  
(continued)**

8. Knowingly associate with any person or organization:
  - a. Advocating hatred, oppression, or prejudice based on race, religion, gender, gender identity/expression, sexual orientation, or disability.
  - b. Disseminating defamatory material.
  - c. Reasonably believed to be engaged in, likely to engage in, or to have engaged in criminal activities.
  - d. Preventing or interfering with performance of police duty.
9. Divulging or discussing official Department business, except as authorized.
  - a. As per *P.G. 212-77, “Release of Information to New Media,”* members are reminded that unauthorized communication with the news media, without conferral with the Office of the Deputy Commissioner, Public Information is prohibited.
10. Discussing substance of a pending case *ex parte* (e.g., elected officials, community advocates, members of the press, members of the public, attorneys, representatives, relatives, etc.).
  - a. This prohibition also applies to the Department Advocate’s Office during the pre-charge stage, as it has prosecutorial discretion in determining whether to serve charges, and what penalty to seek.
    - (1) Pre-decision letters (i.e., a letter of support, character letter, etc.) may be submitted to the Department Advocate’s Office and Civilian Complaint Review Board, as appropriate, with a copy forwarded to the First Deputy Commissioner.
  - b. Questions pertaining to the disciplinary process (e.g., timing, scheduling, etc.) may be referred to the Deputy Commissioner, Trials, Department Advocate’s Office, or the Civilian Complaint Review Board, as appropriate.
  - c. Post-trial negotiations may be authorized by the Police Commissioner, as appropriate.
11. Participating in the Department disciplinary process, or its investigatory process, when there is a familial (e.g., spouse, child, present or past romantic relationship, etc.), or personal (e.g., friend, neighbor, business/financial, close colleague, etc.) relationship, or any other relationship with the respondent that could create, or appear to create, a conflict of interest.
  - a. Notify commanding officer or executive officer, immediately, if a familial or personal relationship is discovered, which may require recusal from participation in a particular case.
    - (1) If uncertainty exists as to whether recusal is appropriate, member concerned should consult with the Legal Bureau.

# ADMINISTRATIVE GUIDE

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## PROHIBITED CONDUCT (continued)

- (2) Commanding officer or executive officer will notify their bureau chief or deputy commissioner immediately, if a familial or personal relationship requires recusal.
12. Manipulating manually or electronically, transmitting in any form, or distributing any official Department recorded media or recorded media coming into possession of the Department as evidence, or for investigative purposes, except as authorized for official Department business.
    - a. Recorded media includes videotapes, photographic images or pictures, audio recordings, electronic or internet files, or any like forms to be available in the future.
  13. Making recommendation for or concerning any person or premises to any government agency in connection with issuance, revocation, or suspension of any license or permit, except when required in performance of duty.
  14. Engaging in card games or other games of chance in a Department facility.
  15. Joining any political club within the precinct to which assigned.
  16. Soliciting, collecting, or receiving money for any political fund, club, association, society, or committee, unless approved by Internal Affairs Bureau.
  17. While on duty, endorsing political candidates or publicly expressing personal views and opinions concerning the merits of:
    - a. Any political party or candidate for public office;
    - b. Any public policy matter or legislation pending before any government body; or
    - c. Any matter to be decided by a public election, except with the permission of the Police Commissioner.
    - d. Voting on any matter that comes before the community board concerning Police Department activities in the district that the board serves.
  18. Being a candidate for election to, or serving as member of a School Board, if School District is located within City of New York (see Section 2103-a, Education Law).
  19. Serving on a community board's Public Safety Committee (which deals directly with Police Department and other law enforcement matters).
  20. Violating Section 1129 of the New York City Charter. This section provides that any uniformed member who shall accept any additional place of public trust or civil emolument, OR who shall be nominated for any office elective by the people, and does not decline said nomination within ten days, shall be deemed thereby to have vacated his or her position/office in the Department. This **shall not** apply to the following:
    - a. A member of a community board
    - b. An appointment, nomination, or election to a board of education outside the City of New York
    - c. A member, who with the written authorization of the Mayor, shall accept any additional place of public trust or civil emolument, while on leave of absence without pay from the Department.

# ADMINISTRATIVE GUIDE

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**PROHIBITED  
CONDUCT  
(continued)**

- d. A member who, with the written approval of the Deputy Commissioner, Legal Matters, shall accept any additional place or position outside the City of New York, limited to volunteer work as a member or volunteer in, of, or for a community board, not-for-profit corporation, volunteer fire department, or other similar community-oriented entity.

**NOTE**

*Uniformed members of the service seeking to volunteer off-duty in any of the above-indicated positions must complete and submit form **APPLICATION FOR OFF-DUTY VOLUNTEER WORK (PD407-1622)** to the Deputy Commissioner, Legal Matters, One Police Plaza, Room 1406. No off-duty volunteer work can commence until written approval is received by the uniformed member of the service. Members who have already obtained the written approval of the Police Commissioner do not need to re-submit a request, unless there has been a substantial change in a member’s NYPD duties or assignment, or a change in the type or frequency of off-duty volunteer work.*

- 21. Occupying seat in a public conveyance, while in uniform.
- 22. Rendering any service for private interest, which interferes with proper performance of duty.
- 23. Recommending use of particular business, professional or commercial service to anyone except when transacting personal affairs.
- 24. Steering business, professional or commercial persons to a prospective client requiring such services except when transacting personal affairs.
- 25. Consenting to payment by anyone to regain lost or stolen property or advising such payment, except towing fees as provided by law for recovered stolen vehicles.
- 26. Having any person make a request or recommendation that affects the duties of any member of the service, except as provided by Department procedures.
- 27. Failing to provide notice to the Department of an obligation or intention to perform services in any federal military branch.
- 28. Carrying a package, umbrella, cane, etc., while in uniform, except in performance of duty.
- 29. Possessing or displaying police shield, **IDENTIFICATION CARD (PD416-091)**, Department logo, or similar object except as authorized by the Police Commissioner.
- 30. Using Department letterhead, personnel, equipment, resources, or supplies for any non-Department purpose or non-city purpose.
- 31. Making an unauthorized radio transmission.
- 32. Reporting for duty and/or end of tour via “outside wire” on a regular basis.
  - a. Members will not report for duty and/or end of tour within their precinct of residence unless approved by their commanding officer.

**ADDITIONAL  
DATA**

*Members of the service are reminded that their conduct, on or off duty, is subject to scrutiny.*

**From:** [Administrative Bulletins](#)  
**Subject:** Employment Discrimination/Sexual Harassment Complaints  
**Date:** Tuesday, August 17, 2021 9:05:44 AM  
**Attachments:** [EEO DCAS nyc policy.pdf](#)  
[205-37.pdf](#)  
[205-36.pdf](#)  
[2021 NYPD EEO Policy Handbook.pdf](#)  
[eeo-dcas\\_about\\_eeo\\_what\\_you\\_may\\_not\\_know\\_booklet.pdf](#)

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All members of the service are reminded of the importance of preventing and reporting sexual harassment and employment discrimination in the workplace. The NYPD is dedicated to ensuring that all instances of sexual harassment and employment discrimination are investigated thoroughly. All employees are also reminded of their rights as related to sexual harassment and employment discrimination. Attached is the *2021 NYPD Equal Employment Opportunity Policy*, as well as the *New York City Equal Employment Opportunity Policy, Standards and Procedures to Be Utilized by City Agencies* and *About EEO: What You May Not Know*. Additionally, these documents are posted on the Deputy Commissioner, Equity and Inclusion intranet page under Directives and Manuals. These documents may also be found on the NYPD's Equity and Inclusion page on the NYC.gov site ([Equity and Inclusion - NYPD \(nyc.gov\)](#)).

Also attached are the Department procedures for making a complaint of sexual harassment or employment discrimination, P.G. 205-36, *Employment Discrimination*, and P.G. 205-37, *Sexual, Ethnic, Racial, Religious, or Other Discriminatory Slurs Through Display of Offensive Material*. Complaints of sexual harassment and/or employment discrimination can be made direct to the Equal Employment Opportunity Division by telephone at (646) 610-5330 or by email at [EEOcomplaints@nypd.org](mailto:EEOcomplaints@nypd.org). Complaints can also be made in writing or in person at 375 Pearl St, 15<sup>th</sup> Floor, Suite 4, New York, NY 10038. Questions regarding complaints and/or notifications should be directed to the Equal Employment Opportunity Division.

Any member of the service or applicant for employment who believes that they have experienced discrimination has a right to file a formal complaint with the federal, state or local agencies listed below. A person does not give up this right when the person files a complaint with the Police Department's Equal Employment Opportunity Division. The following local, state and federal agencies enforce laws against discrimination (see 205-36 for relevant complaint filing time periods):

**United States Equal Employment Opportunity Commission (EEOC)**

33 Whitehall Street, 5th Floor, New York, NY 10004

Telephone: 800-669-4000 or 212-336-3790 (fax)

[www.eeoc.gov](http://www.eeoc.gov)

**New York State Division of Human Rights (NYSDHR)**

1 Fordham Plaza, 4th Floor, Bronx, NY 10458

163 West 125th Street, 4th Floor, New York, NY 10027

55 Hanson Place, Room 1084, Brooklyn, NY 11217

Telephone: 888-392-3644

[www.dhr.ny.gov/complaint](http://www.dhr.ny.gov/complaint)

**New York City Commission on Human Rights (NYCCHR)**

22 Reade Street, New York, NY 10007

Telephone: 311 or 212-416-0197

[www1.nyc.gov/site/cchr/index.page](http://www1.nyc.gov/site/cchr/index.page)





# Equal Employment Opportunity Policy

Rights and Responsibilities  
*A Handbook for Employees*

August 2021



**NYPD**

Office of  
Equity and Inclusion



# Police Commissioner's Policy Statement

The following is the New York City Police Department Equal Employment Opportunity (EEO) Policy. This action reflects the federal, state, and local laws that prohibit discrimination in employment. The NYPD is committed to preventing discrimination by ensuring that all employees are aware of their rights and obligations under this policy, and by providing a work environment that respects and appreciates our differences.

As Police Commissioner, I want to make clear to every NYPD manager, supervisor, and employee that our organization is firmly committed to maintaining fair employment practices for every member of the service, as well as for job applicants. It is incumbent upon every NYPD employee to make the same commitment to equity, and to comply with the letter – as well as the spirit – of this policy. Managers and supervisors are directed to make all of their employment decisions in accordance with the NYPD EEO Policy and the Citywide EEO Policy to ensure compliance in their areas of responsibility.

These orders provide that all employment decisions be made on the basis of equal opportunity, and not on the basis of age; alienage or citizenship status; caregiver status; color; consumer credit history; creed; disability; familial status; gender (including gender identity and gender expression); genetic information or predisposing genetic characteristics; marital status; military status; national origin; partnership status; pregnancy, childbirth, and related medical condition; sexual and reproductive health decisions; race; record of arrest or conviction (under certain circumstances); religion; sexual orientation; unemployment status; salary history; or status as a victim of domestic violence, sex offenses, or stalking. The NYPD's procedure to address issues and complaints of illegal discrimination is provided within this policy statement.

I strongly urge all members of the service to become familiar with the policies and procedures in this booklet and to access the resources available within the NYPD to address any concerns. No member of our department should tolerate discriminatory treatment, harassment, or retaliatory acts based upon that employee's reporting of practices that violate this policy. The NYPD EEO Policy and the Citywide EEO Policy are among our highest priorities, and they have my full support.

**Dermot Shea**  
**Police Commissioner**



# Equal Employment Opportunity Policy Objectives

- To identify, prevent and correct violations of federal, state, and local employment discrimination laws within the New York City Police Department.
- To provide employees and applicants with an effective means of seeking resolution to Equal Employment Opportunity (EEO) issues.
- To provide extensive EEO training to all members of the Department in order to foster compliance with Citywide and Department EEO policies.
- To monitor employment practices of EEO matters and affect changes as necessary.
- To disseminate information to all applicants and employees regarding EEO issues.



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# Introduction

## Deputy Commissioner, Equity and Inclusion Tanya Meisenholder

The Office of Equity and Inclusion (OEI) promotes a fair, safe, inclusive and accommodating work environment for all members of the New York City Police Department (NYPD).

OEI is responsible for ensuring our employees are treated with dignity and respect in the workplace, identifying and addressing obstacles to success, and promoting a fair and inclusive workplace that is free from discrimination and harassment.

OEI reaches beyond the mere presence of diversity, instead ensuring that employees' unique identities and experiences are valued, welcomed, and leveraged. Our commitment to an equitable and inclusive work environment where employees are engaged, valued, and have opportunities will have a direct impact on how our employees interact with the diverse communities we serve.

The NYPD is the most diverse police department in the country and OEI partners with internal and external stakeholders to make sure we attract, recruit, develop, and maintain a diverse and inclusive workforce. OEI utilizes an evidence-based approach to identify, evaluate, and address processes and behaviors that affect our employees, the employee lifecycle, and workplace issues. OEI promotes awareness, education and outreach efforts that engender respect and fosters cultural understanding of our employees and our community. We are committed to educating our members on equal employment opportunity policies as well as federal, state, and local discrimination laws.





## Equal Employment Opportunity (EEO)

The Equal Employment Opportunity Division (EEOD), a sub-unit of OEI, is responsible for the prevention and investigation of employment discrimination and harassment claims. Major changes in Department policy and training, facilitated by the EEOD, include the NYPD's policy on pregnancy and lactation, facial hair, religious head coverings, and transgender policies and ensure the Department is responsive and accommodating to the diverse needs of its members. The Reasonable Accommodations Unit processes request for accommodations from members of the service and applicants, based on both disability and religion. The EEO Liaison Network is integral to the process of implementing EEO policy and assisting in complaints and investigations.

## Disability Services

OEI also oversees the NYPD's implementation of policies associated with the Americans with Disabilities Act (ADA). The Disability Services Facilitator (DSF) acts as a liaison between the Department and members of the public. The DSF coordinates all NYPD efforts to comply with federal, state, and local laws concerning accessibility, ensuring that the NYPD is an institution that remains ADA-compliant.



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# Employment Discrimination

It is the policy of the City of New York and the New York City Police Department to ensure equal employment opportunity without discrimination or harassment based on actual or perceived status of a person's:

**Age** – Person's age 18 or older.

**Alienage or Citizenship Status** – The citizenship of a person or immigration status of any person who is not a citizen or national of the United States. Employers are required by law, however, to verify the identity and work eligibility of employees. Moreover, citizenship is a lawful requirement for certain jobs (such as Police Officer).

**Arrest or Conviction Record** – Having a prior record of arrest or convictions. However, there are exceptions to this law as we are a public safety organization

**Caregiver Status** – A person who is providing direct or ongoing medical/disability care to a minor child or covered relative.

**Color** – Frequently viewed synonymously with race, discrimination based on color may occur because of a preference for, or aversion to, a particular skin color and may occur within the same racial group based on body pigmentation.

**Consumer Credit History** – Refers to an individual's credit worthiness, credit standing, credit capacity or payment history as indicated by factors such as: consumer credit report, credit score or information an employer obtains directly from the individual concerning late payments, liens, bankruptcies, etc.

**Disability** – A physical, medical, mental, or psychological impairment, or a history or record of such impairment, whether perceived or actual. Pregnancy may also be considered to be a temporary disability if there are medical conditions arising from the pregnancy or childbirth.

**Familial Status** – Parent or guardian of a person under 18 years of age who is living with them or a person in the process of securing legal custody of a person under 18 years of age.

**Gender (or Sex)** – The term gender includes actual or perceived sex, gender identity and gender expression, including a person's actual or perceived gender-related self-image, appearance, behavior, expression, or other gender-related characteristic, regardless of the sex assigned to that person at birth.

**Gender Expression** – The representation of gender as expressed through one’s name, pronouns, clothing, hairstyle, behavior, voice, or similar characteristics. Gender expression may or may not conform to gender stereotypes.

**Gender Identity** – An individual’s internal deeply-held sense of gender which may be the same or different from their sex assigned at birth. Gender identity is distinct from sexual orientation.

**Hairstyle Based on Race or Religion** – Any hairstyle that is recognized as being associated with a race, ethnicity, or religious practices.

**Marital Status** – Single, unmarried, married, divorced, separated, widowed.

**Military Status** – The term military status is a person’s participation in the military service of the United States including past, present, and applicants for membership in the uniformed service, whether voluntary or involuntary.

**National Origin** – Includes place of origin, as well as ancestry, and physical, cultural, linguistic or ethnic characteristics of, or names associated with, a particular country or region. Discrimination based on alienage (immigration status) or citizenship status can be found, in some cases, to be discrimination based on national origin.

**Partnership Status** – Includes opposite sex and same sex partnerships, and is based on being in a domestic partnership.

**Predisposing Genetic Characteristics/Genetic Information** – Perception or knowledge that a person may carry an illness or may develop an illness or disease based on genetic affiliation. (i.e., Sickle cell, cancer, or diabetes).

**Pregnancy, Childbirth & Related Medical** – Involves treating a woman (an applicant or employee) unfavorably because of pregnancy, childbirth, or a medical condition related to pregnancy or childbirth.

**Race/Ethnicity** – Includes such categories as American Indian or Alaskan native, Asian or Pacific islander, Black, Hispanic, White, and two or more races, as well as personal characteristics associated with race/ethnicity (such as hair texture, skin color, or certain facial features).

**Religion or Creed** – Includes all aspects of religious observance, practice and belief, including moral or ethical beliefs as to what is right and wrong which are sincerely held with the strength of traditional religious views.

**Sexual and Reproductive Health Decisions** – Prior or current decisions by an individual to have an abortion, practice birth control, hormone therapy transition related care, STD prevention, testing, treatment, etc.

**Sexual Orientation** – An individual’s actual or perceived romantic, physical, or sexual attraction to other persons, or lack thereof, on the basis of gender.

**Unemployment Status** – Refers to those who do not have a job, are available for work, and are seeking employment.

**Victim of Domestic Violence** – a person who has been subjected to acts or threats of violence, not including acts of self-defense, committed by a current or former spouse of the victim, by a person with whom the victim shares a child in common, by a person who is cohabiting with or has cohabited with the victim, by a person who is or has been in a continuing social relationship of a romantic or intimate nature with the victim, or a person who is or has continually or at regular intervals lived in the same household as the victim.

**Victim/Survivor of Sex Offenses or Stalking** – A victim/survivor of acts which are defined as crimes that are considered to be “sex offenses” or “stalking.”

Federal, state and city laws prohibit the following types of discrimination based on actual or perceived membership in a protected group<sup>1</sup>:

- i. Discriminatory treatment in hiring, assignments, working conditions, salary, benefits, evaluations, promotions, training, transfers, discipline, and termination.
- ii. Any policy or directive that has a disproportionate impact on a group specifically protected by law unless the policy is justified by a business necessity.
- iii. Failure to provide a reasonable accommodation for an employee’s religious observance unless such accommodation would result in an undue hardship to the Department.
- iv. Repeated or severe verbal or physical conduct that denigrates or shows hostility or aversion toward an individual (harassment).

Harassment based on protected class includes, but is not limited to: epithets, slurs or stereotyping; threatening, intimidating or hostile acts; jokes and display of written or graphic material in the workplace that denigrates or show hostility or aversion toward an individual or group.

The NYPD and/or the City may discipline conduct that violates this policy even if the conduct does not violate a law prohibiting discrimination.

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<sup>1</sup> Federal, state and city laws provide different protections. The scope of the EEOC is very limited as to which classes are considered protected. The NYPD recognizes all classes even if a class is not protected by all statutes.

# Applicability

Everyone who works within the NYPD, or who seeks employment within the NYPD, is covered by federal, state and local employment laws and this policy. This includes all current employees, managers (including executives and senior level staff members), supervisors, co-workers, and job applicants.

This policy not only protects individuals from prohibited conduct because of their own protected status, but also protects individuals from conduct motivated by their actual or perceived race, religion, national origin or disability, etc., of other persons with whom they are associated. These protections apply to actions, whether or not intentionally offensive or directed at a particular person or group, that violate this policy.

This policy extends to conduct which occurs at any location that could be reasonably regarded as an extension of the workplace, such as any field location, offsite business-related social function, City vehicle, or facility where City government business is being conducted and discussed. All employees are expected to be respectful of all co-workers and members of the public, and to be sensitive to the effects of their behavior on those around them.



# Specific Protections

The following sections are provided to enable individuals to understand the unique definitions, issues, rights, and responsibilities under this policy pertaining to sexual harassment and discrimination based on pregnancy, childbirth, or related medical condition, disability, religion, retaliation, and status as a victim of domestic violence, sex offenses, or stalking.

## **Sexual Harassment**

Sexual harassment is a form of employment discrimination based on gender which is prohibited by law. The federal government created guidelines which define sexual harassment as “unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when: 1) submission to the conduct is made either explicitly or implicitly a term or condition of an individual’s employment; 2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or 3) such conduct has the purpose or effect of unreasonably interfering with an individual’s work performance or creating an intimidating, hostile, or offensive working environment.”

Sexual harassment may involve individuals of the same or different gender(s). A broad range of behavior may be considered sexual harassment, including sexually suggestive remarks, pictures or gestures, verbal abuse or harassment of a sexual nature, subtle or direct propositions for sexual favors, and any unnecessary touching, patting, or pinching.

## **Pregnancy, Childbirth, or Related Medical Condition**

Discrimination is unequal treatment relating to an employment benefit such as hiring, leave, promotion, or seniority due to pregnancy, childbirth, or related medical condition, such as lactation. Pregnant employees are entitled to the same treatment as other employees with similar temporary disabilities or limitations.

## **Disabilities**

Discrimination against a person based on that person’s actual or perceived disability, record of disability, or relationship with a person with a disability will not be tolerated by the NYPD. For the purpose of this Policy, as per P.G. 205-36, a disability is a physical, medical, mental, or psychological impairment, or a history or record of such impairment.

## Religion

The Policy prohibits adverse employment actions based on a person's religion. This includes discriminatory practices and decisions, harassment, hostility, or other adverse actions because of a person's actual or perceived creed, religious affiliation, religious beliefs, observances, or practices.

## Domestic Violence, Sex Offenses, or Stalking

The New York City Human Rights Law prohibits employment discrimination against persons who are victims of domestic violence, or victims of sex offenses or stalking, as defined by that law and the New York State Penal Law.

## Transgender Diversity and Inclusion - Mayor's Executive Order 16 of 2016

LGBTQ is Lesbian, Gay, Bisexual, Transgender, Questioning/Queer. At times, you will see the acronym LGBTQIA+. The I stands for intersex, A is asexual and the plus is for the various terms aligned to gender identity, expression, and sexual orientation. Examples are: non-binary and pansexual.

Transgender and non-conforming people can freely use City single-sex facilities consistent with gender identity/expression. These include, but are not limited to: bathrooms, locker rooms, waiting areas, pools, saunas, lounges, or living spaces. Identification, medical documentation or any proof or verification of gender are not required for access to these facilities. Religion cannot be used as a pretext to discriminate against others in the workplace, although, sincerely held religious beliefs can be a basis for requesting workplace accommodations in same sex facilities. Discrimination based on gender identity and expression is illegal in NYC. Examples of violations are:

- Refusing to use a person's name, pronoun, and title, regardless of that person's birth sex.
- Not treating LGBTQIA+ individuals equally in the workplace.
- Harassing, name-calling, insulting, or intimidating someone because they are LGBTQIA+.
- Discriminatory employment decisions, including passing someone over for opportunities, based on an employee's LGBTQIA+ status.
- Workplace treatment rooted in stereotypes about masculinity and femininity is illegal. For example, employees cannot be told to act "like a woman" or that their behavior isn't "manly enough."

An employee's transition process should be treated with as much sensitivity and confidentiality as any employee's significant life experience. When an employee decides to notify the Department, they should request a meeting with their Commanding Officer or representative from the Equal Employment Opportunity Division. Any supervisor or representative from a fraternal organization or union may be present during the meeting at the employee's request.

## Retaliation

It is a violation of policy to retaliate against or harass any person who asserts their rights regarding employment discrimination by: 1) opposing discriminatory practices in the workplace; 2) complaining about prohibited conduct; or 3) participating in any way in the complaint, investigation, or reasonable accommodation processes. It is also a violation of policy to retaliate against or harass someone because of their association with such an individual. Any employee who engages in such retaliation or harassment shall be subject to discipline, which may include reprimand, suspension, probation, demotion, transfer, or termination, and/or fine by an outside entity.

Behaviors which may be considered retaliatory include, but are not limited to: threats, reprimands, negative evaluations, harassment, refusal to hire, denial of promotion or job benefits, demotion, suspension, discharge, negative references to prospective employers, or other actions affecting the terms, conditions, or privileges of employment.

Examples of behavior that are protected against retaliation under this policy include, but are not limited to: expressing an intent to file a charge or complaint alleging prohibited conduct; participating as a witness in an EEO investigation, administrative proceeding, hearing, or trial; and/or seeking a reasonable accommodation.





# EEO Complaints and Investigation Procedures

## When to File a Complaint

An employee, or applicant for employment, supervisor, or other mandated reporter should consult with the Department's Equal Employment Opportunity Division (EEOD) or an EEO Liaison if they believe that they or someone else are being discriminated against by another employee or an independent contractor of the agency. The EEOD will assist the person to determine whether the issue raised is appropriate for resolution through the EEO complaint process. The Department will not tolerate any retaliation against any employee for consulting and/or cooperating with the EEOD, an EEO Liaison, or any outside agency.

## How to File an EEO Complaint

An employee or applicant for employment may file a discrimination complaint by contacting the EEOD or any of the outside governmental agencies listed herein. In addition, employees may file a complaint by contacting their EEO Liaison or their supervisor/manager who will then make a notification to EEOD based on their status as mandate reporters.

## Anonymous Complaints

Persons who wish to file a complaint concerning discrimination without revealing their identity may do so by telephoning or writing the EEOD. Where necessary, communication may also be made through fax, relay service for the deaf or other alternate means. In such cases, the EEOD will provide counseling and take such follow-up action as may be appropriate. If an anonymous complainant wishes to withdraw their complaint, it still may be necessary for the EEOD to investigate the alleged discriminatory behavior and to take or recommend action to remedy unlawful behavior on behalf of the Department.

## Where to File an Internal Complaint or Seek Assistance with an EEO Matter

You can file an internal complaint or seek assistance with an Equal Employment Opportunity matter by contacting the Equal Employment Opportunity Division, in person and/or by mail at 375 Pearl Street, 15th Floor, Suite 4, New York, NY 10038. You can telephone at (646) 610-5330, fax to (646) 610-7229, or email EEOD at [eeocomplaints@nypd.org](mailto:eeocomplaints@nypd.org).

Further information can also be found online via the EEOD Intranet website under the bureau of the Deputy Commissioner, Equity and Inclusion at <https://portal.nypd.org/sites/534>.

## **Meeting with an EEO Professional**

Any person who wishes to file a complaint of discrimination or requires further information may contact the EEOD or an EEO Liaison. An employee has a right to meet privately with an EEO professional during normal business hours. However, the employee must obtain approval from their manager/supervisor before leaving their work assignment. An employee need not disclose to a manager/supervisor the details of the purpose for meeting with an EEO professional. Managers/supervisors cannot deny reasonable leave requests to meet with an EEO professional during normal business hours. Managers and supervisors shall allow employees to meet with EEO professionals at the earliest practicable time consistent with the operational needs of their units. Managers/supervisors must keep such requests confidential.

The EEO professional will arrange to meet with an employee at an outside location when necessary. At the employee's request, arrangements may also be made to hold the meeting before or after normal business hours or during the employee's meal period. An employee or applicant filing a complaint may bring a representative of their choice to the meeting. Arrangements can be made for individuals requiring special assistance to file a complaint.

## **Confidentiality**

All EEO matters will be handled under the supervision of the EEOD. Complaints and other information provided by employees will be treated confidentially. This means that information obtained during the investigation of a complaint will not be disclosed except as necessary to investigate and resolve a complaint. Whenever possible EEOD will make every effort to notify those with a privacy interest, prior to disclosure.

## **Withdrawing a Complaint**

A person who files a complaint may withdraw it at any time. Prior to making the determination to proceed with the investigation, the EEOD assesses whether the complaint requires the Department to further investigate and take remedial action to prevent or eliminate the complained of behavior.

## **Timely Filing**

A person may file a complaint of discrimination with the Equal Employment Opportunity Division within one (1) year of the date of the last occurrence of a discriminatory action. However, the statute of limitations for sexual harassment and gender based discrimination, is three (3) years from the date of the last occurrence.

## **Concluding the Complaint Investigation**

Once a complaint has been filed and all information is gathered via interviews and documentation review, a determination will be made to classify as an inquiry or investigation. Inquiries are formed from incidents that don't rise to the standard of a full investigation and are usually referred to the individual Commanding Officer, union representative, etc. for remedy. Incidents that require a more extensive review are deemed investigations.

When an investigation has been concluded, recommendations are proposed and a final disposition will be determined.

## **Where to File an External Complaint or Seek Assistance with an EEO Matter**

### **United States Equal Employment Opportunity Commission (EEOC)**

33 Whitehall Street, 5th Floor, New York, NY 10004  
Telephone: 800-669-4000 or 212-336-3653  
[www.eeoc.gov](http://www.eeoc.gov)

### **New York State Division of Human Rights (NYSDHR)**

One Fordham Plaza, 4th Floor, Bronx, NY 10458  
163 West 125th Street, 4th Floor, New York, NY 10027  
55 Hanson Place, Room 1084, Brooklyn, NY 11217  
Telephone: 888-392-3644  
[www.dhr.ny.gov/complaint](http://www.dhr.ny.gov/complaint)

### **New York City Commission on Human Rights (NYCCHR)**

22 Reade Street, New York, NY 10007  
Telephone: 311 or 212-416-0197  
[www1.nyc.gov/site/cchr/index.page](http://www1.nyc.gov/site/cchr/index.page)

# Employee Responsibilities

## Reporters

Non-Supervisors reporting can remain anonymous if they are reporting for themselves or someone else. Personnel reporting for self can remain anonymous (including supervisors). Non-Supervisors who observe discriminatory behavior, while not mandated, are strongly encouraged report what they observe. Supervisors reporting for other personnel cannot remain anonymous.

## Mandated Reporters

A mandated reporter is someone who must report sexual harassment, employment discrimination or retaliation without exception when they observe or become aware of any violation of the NYPD EEO policy. All Uniformed and Civilian supervisors and managers, along with EEO Liaisons are mandated reporters. Any manager or supervisor who receives EEO complaints or otherwise become aware of any discrimination, harassment, or retaliation must immediately notify the agency's EEO officer by contacting EEOD and ensure the complaint is documented. Managers and supervisors may be personally responsible under the law if they do not act to stop discrimination, sexual harassment, or retaliation, or are the offender of such conduct.



# Reasonable Accommodations

## Who Can Request a Reasonable Accommodation?

The New York City Police Department will provide reasonable accommodations to qualified employees and job applicants who may require an accommodation for: a disability; pregnancy, childbirth, and/or related medical condition; a religious belief, observance, or practice; or victims of domestic violence, sex offenses, or stalking, to enable the employee/applicant to perform the essential functions of their job or to enjoy equal benefits and privileges of employment unless providing such accommodation would impose an undue hardship on the Department.

The reasonable accommodation process is designed to be flexible and interactive, involving a cooperative dialogue between both the Department and the employee/applicant requesting the reasonable accommodation. Arrangements will be made for individuals requiring special assistance to file a reason accommodation request. Whether an accommodation is reasonable generally, depends upon the circumstances of each situation. Some examples of accommodations include making facilities physically accessible and/or modifying work schedules. Applicants and employees requesting reasonable accommodations should follow the Citywide Equal Employment Opportunity Policy available at [www1.nyc.gov/assets/dcas/downloads/pdf/agencies/nyc\\_eeo\\_policy.pdf](http://www1.nyc.gov/assets/dcas/downloads/pdf/agencies/nyc_eeo_policy.pdf) and the Administrative Guide procedure 320-47. Failure of an employer to provide a reasonable accommodation can be a form of employment discrimination.

## Confidentiality

Requests for reasonable accommodations shall be confidential and Department personnel must respect employee/applicant confidentiality. All documentation and information filed in support of an accommodation request shall be kept confidential. Information shall be treated as confidential except when managers/supervisors, first aid providers or safety personnel need to be informed about restrictions in the case of an emergency.

## Requests for Reasonable Accommodations

The employee/applicant making a reasonable accommodation request should complete the applicable reasonable accommodation request form. Reasonable accommodation request forms may be found online under "Department Forms" via the NYPD Intranet Portal. EEO may ask an employee/applicant to provide documentation in support of the reasonable accommodation request.

The Department has the right to choose an appropriate reasonable accommodation that would enable the individual to perform the essential functions of the job. The Department is not required to provide an accommodation that imposes undue hardship.

### **Examples of Reasonable Accommodations**

The reasonableness of an accommodation will depend upon the circumstances of each case and may include modifying work schedules, making facilities physically accessible, or providing or modifying equipment. Some examples are:

- Time for worship or prayer, facial hair (longer than half an inch), and head coverings for religious observances.
- Time off to obtain an order of protection or counseling for victims of domestic violence.
- A modified workspace or change in tour/schedule for those with a disability.
- Leave and appropriate space within the workplace to express breast milk for lactating employees.

### **Implementation of the Reasonable Accommodation**

When an employee/applicant submits a request for reasonable accommodation, the supervisor must confer with the EEOD upon receipt of the request. The supervisor may be contacted by EEOD for a recommendation to approve or disapprove of the accommodation, and the reasons for said recommended action.

The EEOD will review the request and will enter into an interactive dialogue with the employee/applicant for additional information or documentation from the employee/applicant before granting or denying a request. If the request is deemed appropriate by the EEOD, the EEOD will inform the employee/applicant and direct the supervisor/hiring personnel to implement the accommodation as expeditiously as possible. Furthermore, the commanding officer concerned will be notified by the EEOD, in writing, of all accommodation decisions including duration of accommodation when necessary.

### **Appeals**

An employee/applicant may appeal the reasonable accommodation determination by forwarding an appeal request, on typed letterhead, addressed to the Commanding Officer, Police Commissioner's Office and attaching any additional documentation relevant to the request for an appeal. An employee or applicant who appeals the reasonable accommodation determination will receive a written response informing them of the outcome of said appeal.

## Undue Hardship

Undue hardship is when an accommodation is excessively difficult, costly, extensive, substantial, or disruptive, or an accommodation would change the nature or operation of the Department. Each request for an accommodation needs to be examined to determine if a request is reasonable and can be provided without creating an undue hardship.

## Further Guidance

Employees, applicants, or supervisors may seek guidance regarding the reasonable accommodation process by reviewing Administrative Guide procedure 320-47 and/or consulting with:

### **Equal Employment Opportunity Division**

375 Pearl Street, 15th Floor, Suite 4

New York, NY 10038

(646) 610-5330

(646) 610-7229 (FAX)

[RA@nypd.org](mailto:RA@nypd.org)

Further information can also be found online via the EEOD Intranet website.

The reasonable accommodation process is intended to ensure equal employment opportunities for employees with disabilities; religious beliefs/observances/practices; those who are pregnant, recovering from childbirth, or a related medical condition; and victims of domestic violence, sex offenses, or stalking, but shall not impede the right of any employee to file a complaint with any federal, state or local agency having jurisdiction over such matters, or in any court of competent jurisdiction.

## 55-a Program

Section 55-a of the New York State Civil Service Law permits the City to convert as many as 700 competitive civil service positions to non-competitive civil service positions for people who can perform the job in question as needed by the Department and are certified as having a disability, without the requirement of a civil service exam. The City of New York encourages conversion of lines to 55-a status where Department needs permit.

Further information about this program is available at [www1.nyc.gov/assets/dcas/downloads/pdf/employment/55a\\_program\\_booklet.pdf](http://www1.nyc.gov/assets/dcas/downloads/pdf/employment/55a_program_booklet.pdf)

# EEO Liaison Network

## What is the EEO Liaison Network?

The New York City Police Department's Equal Employment Opportunity Liaison Network (EEOLN) is a voluntary program designed to support and strengthen the Department's commitment to a fair, equitable, and bias-free workplace. The role of an EEO Liaison is to assist the EEOD in its mission to eliminate employment discrimination within the Department. Liaisons not only act as the eyes and ears of the EEOD, but they also serve as a valuable resource for guidance and direction to their respective commands. Liaisons are trained to provide assistance to complainants, witnesses, and others regarding any equal employment opportunity matter, and accept the responsibility as mandated reporters of EEO violations within the Department.

All members of the service, uniformed and civilian, are encouraged to apply to become EEO Liaisons. The application process requires the submission of an application with the member's Commanding Officer's endorsement. Application forms are available at the EEOD and on the NYPD Intranet. Upon a satisfactory review of the application, the EEOD will designate the member an EEO Liaison. Each year, the EEOD hosts an annual training seminar for all EEO Liaisons.

In addition, EEO Liaisons are encouraged to meet with their Commanding Officer annually to discuss command adherence to Patrol Guide procedures 205-36 and 205-37, and the mandatory display of EEO posters.

Contact OEI's Training and Awareness Unit at [oei@nypd.org](mailto:oei@nypd.org) about this dynamic program.



# Confidentiality

All Equal Employment Opportunity complaints will be handled under the direction of the Deputy Commissioner, Equity and Inclusion, who reports directly to the Police Commissioner. The Equal Employment Opportunity Division, supervisory personnel and EEO Liaisons will treat each complaint confidentially. This means that information obtained from the complainant will not be discussed with other personnel except as necessary to investigate and resolve the complaint, or as required by law. The complainant should make every effort to maintain the confidential nature of the process. Witnesses and respondents of an investigation shall not discuss the nature of the complaint being investigated by the EEOD or any aspect of an open or closed EEO case with anyone except their representative of a line organization and/or legal counsel.

## For Further Information or Assistance

### Contact:

Equal Employment Opportunity Division  
375 Pearl Street, 15th Floor, Suite 4  
New York, NY 10038  
(646) 610-5330  
(646) 610-7229 (FAX)

### The City of New York's Equal Employment Opportunity Policy can be accessed at:

#### Intranet:

Deputy Commissioner Equity and Inclusion > "Documents" > "NYC EEO Policy Documents"

#### Internet:

City of New York's Equal Employment Opportunity Booklet:  
[www1.nyc.gov/assets/dcas/downloads/pdf/agencies/nyc\\_eeo\\_policy.pdf](http://www1.nyc.gov/assets/dcas/downloads/pdf/agencies/nyc_eeo_policy.pdf)

Equal Employment Opportunity What You May Not Know Booklet:  
[www1.nyc.gov/assets/dcas/downloads/pdf/agencies/about\\_eeo\\_what\\_you\\_may\\_not\\_know\\_booklet.pdf](http://www1.nyc.gov/assets/dcas/downloads/pdf/agencies/about_eeo_what_you_may_not_know_booklet.pdf)

# APPENDIX A

## EEO RELATED NYPD PROCEDURES

### **Interim Order #48 of 2020**

ESTABLISHMENT OF DEPUTY COMMISSIONER, EQUITY AND INCLUSION

### **Patrol Guide Procedure 205-36**

EMPLOYMENT DISCRIMINATION

### **Patrol Guide Procedure 205-37**

SEXUAL, ETHNIC, RACIAL, RELIGIOUS, OR OTHER DISCRIMINATORY SLURS THROUGH DISPLAY OF OFFENSIVE MATERIAL

### **Patrol Guide Procedure 205-68**

MEMBER OF THE SERVICE SEEKING TO NOTIFY THE DEPARTMENT OF TRANSGENDER OR GENDER NON-CONFORMING TRANSITION, OR STATUS

### **Administrative Guide Procedure 320-47**

REASONABLE ACCOMMODATIONS FOR EMPLOYEES AND APPLICANTS





## THE POLICE COMMISSIONER CITY OF NEW YORK

### EQUAL EMPLOYMENT OPPORTUNITY POLICY STATEMENT

The New York City Police Department is an Equal Opportunity Employer. As Police Commissioner, I reaffirm the Police Department's strong commitment to maintaining fair employment practices for all members and applicants.

Federal, state and/or local laws prohibit employment discrimination based on:

- Race/Ethnicity
- Gender (Sex)
- National Origin
- Color
- Religion/Creed (Including attire)
- Disability
- Military Status
- Alienage or Citizenship Status
- Age
- Pregnancy, Childbirth & related medical
- Predisposing Genetic Characteristics/Genetic Information (GINA)
- Gender identity/expression
- Marital Status
- Sexual Orientation
- Prior Record of Arrest or Conviction
- Consumer Credit History/Payment History
- Caregiver Status
- Victim of Domestic Violence, Sex Offenses or Stalking
- Partnership Status
- Unemployment Status
- Familial Status
- Sexual and Reproductive Health Decisions
- Hairstyle Based on Race or Religion

In addition to those who fall within one of the above protected groups, those who are "perceived" to be within one of the categories or who have a "known relationship or association" with someone who is, or is "perceived" to be, within one of the categories, are also protected. All forms of discrimination are prohibited both in the actual workplace and in any location that can be reasonably regarded as an extension of the workplace, such as an off-site Department sanctioned social function.

These laws prohibit discrimination, which affects:

- Hiring
- Assignments
- Working Conditions
- Salary and Benefits
- Evaluations
- Promotions
- Training
- Transfers
- Discipline
- Termination
- Any other terms and conditions of employment

The law requires that reasonable accommodation be made for qualified employees and applicants with disabilities, for religious observances/ practices, status as a victim of domestic violence, stalking, and/or sex offense(s) and those who are pregnant and/or recovering from childbirth or a related medical condition.

All employees are directed to comply with both the letter and the spirit of the law. All personnel should work to maintain an atmosphere of appreciation of the diversity reflected in our staff, and to promote understanding among our co-workers. Managers and supervisors are directed to make all employment decisions in accordance with the Police Department's Equal Employment Opportunity (EEO) Policy, and to ensure compliance with the policy in their areas of responsibility.

If any employee or applicant feels that a manager, supervisor or another employee has discriminated against them, this individual should contact the EEO Officer, a supervisor, or an EEO Liaison. The EEO Officer may be contacted at (646) 610-5330; the office is located at One Police Plaza, Room 1204. The EEO Officer has the authority to recommend to the Police Commissioner that disciplinary action be taken against any employee who has committed an unlawful discriminatory act.

All complaints will be handled in confidence. No employee may retaliate against or harass any person for filing a complaint or cooperating in the investigation of a complaint. Such retaliation or harassment is unlawful and will be cause for disciplinary action.

By Order of the  
Police Commissioner  
City of New York

# EEO DUTIES AND RESPONSIBILITIES FOR MANAGERS, SUPERVISORS, AND COMMANDING OFFICERS

## **ALL Managers and Supervisors:**

1. Must immediately notify the Equal Employment Opportunity Division (EEO) when they become aware of any allegation or complaint of discrimination, sexual harassment, or act of retaliation regarding the department's EEO Policy.
2. Will be subject to disciplinary action for failing to report an employment discrimination allegation or complaint to EEO.
3. Will be subject to disciplinary action for failing to take actions as directed by the EEO.
4. Shall maintain confidentiality with respect to EEO inquiries and investigations.
5. Shall permit employees to meet with the EEO when necessary.
6. Shall ensure that no form of offensive or discriminatory material be displayed in any department facility or vehicle.
7. Shall ensure that no premium cable channels are available with provide sexually explicit material in department facilities.

## **In addition to ALL OF THE ABOVE, Commanding Officers and Managers:**

8. Must meet annually with supervisors to discuss EEO policy including sexual harassment and related retaliation.
9. Must continually reinforce to supervisors their responsibility for creating a professional work environment.
10. Will make every effort to maintain a work environment that fosters inclusivity and respect for the diversity of all individuals.

11. Must advise employees that vulgar language and degrading offensive comments are prohibited.
12. Must instruct all members of the command that retaliation for participation in an EEOD investigation or inquiry is prohibited.
13. Must direct supervisors to report inappropriate conduct to the EEOD.
14. Shall strongly encourage all non-supervisory personnel to report any EEO complaint or problem to the EEOD or an EEO Liaison.
15. If aware of an EEO complaint, no supervisor shall discipline, transfer, change tour or assignment of a complainant or witness without conferring with the EEOD.

#### **Retaliation Regarding EEOD Investigations**

16. Retaliation, a form of employment discrimination, is a negative employment action for opposing discrimination.
17. All participants in EEO investigations are protected from retaliation.
18. Allegations of retaliation MUST be referred to the EEOD for investigation.
19. Claims of retaliation should be treated as serious as all other claims of employment discrimination.

**CALL THE EQUAL EMPLOYMENT OPPORTUNITY DIVISION  
(646) 610-5530 FOR FURTHER GUIDANCE**

## **SEXUAL HARASSMENT POLICY STATEMENT**

Sexual harassment in the workplace is a form of employment discrimination prohibited by law. All New York City Police Department employees should familiarize themselves with the guidelines in this policy statement so that they will understand what type of conduct is prohibited, and know the remedies available to anyone who has experienced sexual harassment.

Guidelines issued by the United States Equal Opportunity Commission state that unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

1. Submission to such conduct is made either explicitly or implicitly as a term of condition of an individual's employment; or
2. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
3. Such conduct has the effect of interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment.

These guidelines are not meant to interfere with voluntary social relationships between individuals in the workplace, but they do prohibit those actions and behaviors that are unwanted and unwelcome and/or which create an intimidating or hostile work environment.



There is a broad range of conduct by supervisors and coworkers which can, in certain circumstances, be considered sexual harassment. This includes, but is not limited to, sexually suggestive remarks, sexually suggestive pictures, sexually suggestive text messages or emails, sexually suggestive gesturing, verbal harassment or abuse of a sexual nature, subtle or direct propositions for sexual favors, and unnecessary touching, patting, or pinching. These activities are prohibited both in the actual workplace and in any location that can be reasonably regarded as an extension of the workplace, such as an off-site department sanctioned social function.

Any manager, supervisor, or Equal Employment Opportunity (EEO) Liaison who knows of a sexually intimidating or hostile work environment, or who becomes aware that the terms and conditions of an individual's employment are based upon submission to sexual conduct must contact the Equal Employment Opportunity Division immediately at (646) 610-5330. Any employee who has a complaint regarding sexual harassment is urged to contact the Equal Employment Opportunity Division, supervisor (uniformed or civilian), manager, Commanding Officer, or an EEO Liaison. The EEO Officer may be contacted at (646) 610-5330; the office is located at 375 Pearl Street, 15th Floor, Suite 4, NY, NY. Complaints of sexual harassment will be handled in accordance with the Department's Equal Employment Opportunity complaint procedure.

All complaints will be handled in confidence. No employee may retaliate against or harass any person for filing a complaint or cooperating in the investigation of a complaint. Such retaliation or harassment is unlawful and will be cause for disciplinary action.

## NOTES:

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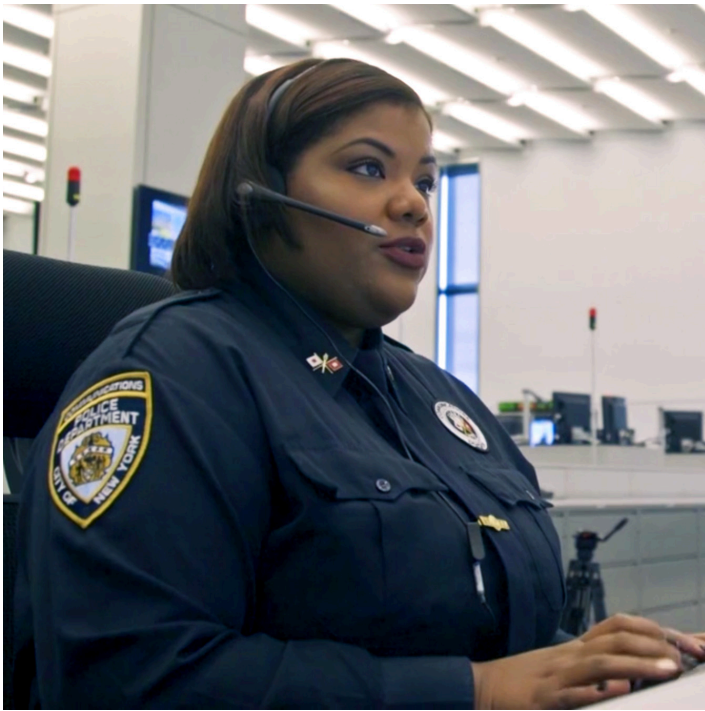
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## Contact Us.

Visit the NYPD website at:  
[www.nyc.gov/nypd](http://www.nyc.gov/nypd)



Twitter:  
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[@NYPD](https://www.instagram.com/NYPD)



YouTube:  
[youtube.com/nypd](https://www.youtube.com/nypd)

# About EEO:

## What You May Not Know

City of New York



Department of Citywide Administrative Services



**This booklet was written to help you to learn all about EEO**

## **EEO = Equal Employment Opportunity**

- What the City's EEO Policy covers
- What your EEO rights and responsibilities are
- Where you can get information and help









“I am strongly committed to having a municipal workforce that reflects the diversity and talent of our City’s population. Everybody matters, and we will work as one City serving the needs of our dynamic and diverse communities. Our City does not belong to any individual or set of individuals. It belongs to all the people. It is a City that lifts the floor for those struggling day to day and offers every New Yorker a fair shot.”

**Bill de Blasio**  
**Mayor**



“Our municipal workforce is focused on public service to all of our great communities. Every City employee is entitled to work in an environment where she/he feels valued, respected and has the opportunity to develop professionally. DCAS will serve as a leading source of guidance to agencies regarding inclusive and equitable employment practices. The diversity of our many dynamic communities serves as a rich talent pool. This diversity will inspire our human resources policy and administration of the civil service system to enhance our mission of equitable and inclusive public service.”

**Lisette Camilo**  
**Commissioner**  
**Department of Citywide Administrative Services**



“Differences are to be valued not just tolerated. Compliance, alone, is a required action, not a value. The City of New York values all our employees - they are our greatest asset.”

**R. Fenimore Fisher**  
**Chief Citywide Diversity and Equal Employment**  
**Opportunity Officer**

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# What is EEO all about?

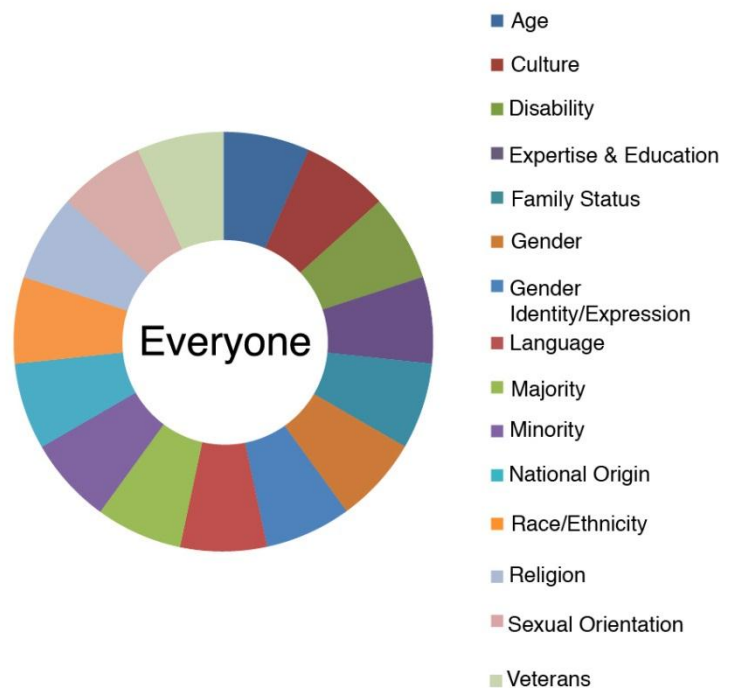


**Equal opportunity** exists when all employees and applicants for employment, regardless of their race, gender, national origin, religion, etc., are given an **equal opportunity** to succeed in the workplace. This means that all decisions and actions that impact

recruitment, testing, selection, hiring, work assignments, salary and benefits, accommodations, working conditions, performance evaluations, promotions, training opportunities, career development, transfers, discipline and termination must be made without discrimination.

## Diversity & Inclusion

In addition to our commitment to providing equal opportunity we are committed to valuing diversity and maintaining an inclusive work environment for *all* New York City employees. It is through the inclusion of our diversity of thought, experience, culture, and background that we do our best work.



# New York City's EEO Policy

The City of New York is an equal opportunity employer and prohibits discriminatory employment actions against City employees and applicants for employment based on actual or perceived race, color, national origin, alienage or citizenship status, religion or creed, gender, and all other protected categories.



The City's EEO Policy provides a process for employees and applicants for employment to complain about discrimination and also protects them from retaliation when they make EEO complaints or cooperate in EEO investigations. To learn more about the City's EEO Policy, contact an EEO representative at your agency or visit the DCAS website or your agency's intranet site.

If you are subjected to unwelcome conduct, you may complain regardless of whether the harasser is a manager, supervisor, co-worker, client, customer, consultant, vendor, or other person who is not a City employee. You may complain about harassment if you are a manager or supervisor, a Work Experience Program ("WEP") participant, an intern (paid or unpaid), or if someone other than yourself is the target of the offensive conduct.

The City's EEO Policy was created to provide equal opportunity for all employees and applicants for employment by ensuring that all workplaces in City agencies are free of discrimination, including harassment, based on any of the protected categories listed on the next page.

# Protected Categories

## Under the City's EEO Policy

New York City employees are protected from discrimination based on any of the following categories, whether perceived or actual:

**Age**: persons age 18 or older.

**Alienage or Citizenship Status**: the citizenship of any person or immigration status of any person who is not a citizen or national of the United States. Employers are required by law, however, to verify the identity and work eligibility of employees. Moreover, citizenship is a lawful requirement for certain jobs (such as Police Officer).

**Color**: frequently viewed synonymously with race, discrimination based on color may occur because of a preference for, or aversion to, a particular skin color and may occur within the same racial group based on body pigmentation.

**Creed or Religion**: includes all aspects of religious observance, practice and belief, including moral or ethical beliefs as to what is right and wrong which are sincerely held with the strength of traditional religious views.

**Disability**: any physical, medical, mental, or psychological impairment, or a history or record of such impairment, whether perceived or actual. Pregnancy may also be considered to be a temporary disability if there are medical conditions arising from the pregnancy or childbirth.

**Gender (or Sex):** gender includes actual or perceived sex and includes a person's gender identity, self-image, appearance, behavior or expression, whether or not that gender identity, self-image, appearance, behavior or expression is different from that traditionally associated with the legal sex assigned to that person at birth. Pregnancy or childbirth is a gender-related condition; therefore, discrimination due to pregnancy or childbirth is considered to be gender discrimination.

**Marital Status:** whether a person is married, divorced, single, separated, or widowed. "Marital Status" should be distinguished from discrimination based on whom an individual is married to.

**Military Status:** military service includes past, present, and applicants for membership in the uniformed service, whether voluntary or involuntary.

**National Origin:** place of origin, as well as ancestry, and physical, cultural, linguistic or ethnic characteristics of, or names associated with, a particular country or region. Discrimination based on alienage (immigration status) or citizenship status can be found, in some cases, to be discrimination based on national origin.

**Partnership Status:** all individuals in a domestic partnership.

**Predisposing Genetic Characteristics/Genetic Information:** any inherited gene or chromosome, or alteration thereof, and determined by a genetic test or inferred from information derived from an individual or family member that is scientifically or medically believed to predispose an individual or the offspring of that individual to a disease or disability, or to be associated with a statistically significant increased risk of development of a physical or mental disease or disability.

**Prior Record of Arrest or Conviction:** generally, agencies may not deny or deprive someone of a job because of a criminal conviction, unless there is a direct relationship between the conviction and the duties of the job or an unreasonable risk to property or safety, based on a variety of factors. Agencies also may not ask about arrests that did not lead to conviction unless it is a pending arrest. These restrictions do not apply to law enforcement agencies.

**Race\Ethnicity:** includes such categories as American Indian or Alaskan native, Asian or Pacific Islander, Black, Hispanic, White, and two or more races as well as personal characteristics associated with race\ethnicity (such as hair texture, skin color, or certain facial features).

**Sexual Orientation:** heterosexuality, homosexuality, bisexuality or asexuality, whether actual or perceived.

**Unemployment Status:** refers to those who do not have a job, are available for work, and are seeking employment.

**Victim of Domestic Violence:** a person who has been subjected to acts or threats of violence, not including acts of self-defense, committed by a current or former spouse of the victim, by a person with whom the victim shares a child in common, by a person who is cohabiting with or has cohabited with the victim, by a person who is or has been in a continuing social relationship of a romantic or intimate nature with the victim, or a person who is or has continually or at regular intervals lived in the same household as the victim.

**Victim of Sex Offenses or Stalking:** a victim of acts which are defined as crimes that are considered to be “sex offenses” or “stalking.”



# Examples of behavior that may violate the City's EEO Policy



- **Treating an individual differently**, such as denying a person a job, because that person is believed to be disabled whether or not that person is disabled. Similarly, individuals cannot be treated differently because of assumptions or perceptions about their race, gender, religion, national origin, age, sexual orientation, etc.
- **Engaging in unwelcome behavior**, whether or not directed at a particular individual, that creates a threatening, intimidating, offensive or hostile work environment, based on race, gender, religion, national origin, age, disability, sexual orientation, etc.
- **Using derogatory or demeaning statements, slurs, jokes, gestures, notes, materials or e-mails** related to race, gender, religion, national origin, age, disability, sexual orientation, etc.
- **Treating individuals differently because of their marriage to, domestic partnership or association with**, persons of a racial, religious or national origin group; or because of their membership in or association with an organization identified with the interests of a racial, religious or national origin group;

or because their names or spouses' or domestic partners' names are associated with a racial, religious or national origin group.

- **Retaliating against or harassing any person** for: (1) filing an EEO complaint; (2) seeking a reasonable accommodation for a disability, religious observance or practice, domestic violence, sex offenses or stalking, or pregnancy; (3) opposing discrimination in the workplace; or (4) cooperating in the investigation of an EEO complaint.
- **Failing to make reasonable accommodations** for persons with disabilities and/or failing to make reasonable accommodations for religious observances or practices, domestic violence, sex offenses or stalking, or pregnancy unless providing such accommodations would create undue hardship for the agency.
- **Engaging in discriminatory or harassing behavior** at any location that could be an extension of the workplace, such as any field location, any off-site business-related social function, or any facility where City business is being conducted and discussed.

### **How can I be sure that my behavior is not violating the EEO policy?**

You should be respectful of all of your co-workers and members of the public and be aware of the impact of your behavior on those around you.

# Sexual Harassment

## **What is sexual harassment?**

Sexual harassment is a form of discrimination prohibited by federal, state, and city laws. The federal government has created guidelines that describe sexual harassment as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when submission to or rejection of this conduct explicitly or implicitly affects an individual's employment, unreasonably interferes with an individual's work performance or creates an intimidating, hostile or offensive work environment.

## **What conduct is unwelcome?**

Conduct is unwelcome if you did not initiate it, encourage it, provoke it or request it, and you feel that you are being ridiculed or that the conduct is demeaning, insulting, offensive, undesirable, hostile, intimidating or threatening.

## **What types of behavior violates the City's sexual harassment policy?**

- Telling sexual jokes or making sexual comments which cause discomfort to an individual
- Repeatedly asking a co-worker for a date if the invites are unwelcome
- Asking for or pressuring a person into granting sexual favors in exchange for a job benefit, or threatening a person with negative employment decisions for rejecting sexual advances
- Using office equipment, interoffice mail, the internet, e-mail, social media, cell phones, texts, voice-mail, or bulletin boards to send or display sexually suggestive messages, pictures, cartoons, posters or objects
- Leering, squeezing, pinching, grabbing or other touching

## **Is everyone entitled to be protected from sexual and gender-based harassment?**

Anyone can be sexually harassed. Men can be harassed by women or men. Women can be harassed by men or women. You are protected from sexual harassment whether the harasser is a manager, supervisor, co-worker, from another division or agency, client, customer, consultant, vendor, or other person who is not a City employee. You may complain about harassment even if you are a manager or supervisor, an intern, a Work Experience Program (WEP) participant or if someone other than yourself is the target of the offensive conduct.

## **What if I didn't mean to sexually harass anyone?**

Even if it is not your **intent** to hurt others, your behavior may be unwelcome, offensive, intimidating or hostile, and therefore potentially sexually harassing. Be aware of how others are reacting to your behavior – the **impact** of your behavior, and always treat others with courtesy and respect.

## **Does sexual harassment always involve conduct that is sexual in nature?**

The City's EEO Policy prohibits not only harassment of a sexual nature - involving sexual activity or language - but also harassment that involves vulgar language, abusive acts or language, hostility, physical aggression, intimidation, or unequal treatment that is related to a person's gender.

## **Other Forms of Harassment**

The City's EEO Policy prohibits any type of harassment based on any of the protected categories. Harassing behavior includes, but is not limited to: slurs or abusive language, denigrating jokes, display or circulation of derogatory written or graphic materials, abusive acts, hostility, physical aggression, intimidation, or other unequal treatment.

# Reasonable Accommodations

In addition to prohibiting discrimination, the City's EEO Policy also provides for reasonable accommodations for employees and applicants for employment based on the following:

- 1) Disabilities
- 2) Religion
- 3) Status as a victim of domestic violence, sex offenses, or stalking
- 4) Pregnancy, childbirth or a related medical condition.

Whether an accommodation is reasonable will depend upon the circumstances of each request. City agencies are required to provide reasonable accommodations unless providing such accommodations creates an undue hardship.

## **What are reasonable accommodations for a disability?**

Reasonable accommodations include equipment, changes in workplace policies and practices, and other forms of assistance that allow people with disabilities to apply for a position, to perform their jobs, or to enjoy equal benefits and privileges of employment as are enjoyed by other similarly situated employees without disabilities.



## **What is a reasonable accommodation for religion?**

A reasonable accommodation for religion is a change in a workplace rule or practice that allows you to respect your religious beliefs. Under the City's EEO Policy, agencies must try to

accommodate the religious observances, beliefs or practices of an employee or applicant, unless the accommodation creates an undue hardship for the agency.

**What types of accommodations based on pregnancy, childbirth or a related medical condition may I request?**

Depending on the circumstances, agencies may be required to provide workers with a reasonable accommodation based on pregnancy, childbirth or a related medical condition. Such a reasonable accommodation may include bathroom breaks, unpaid medical leave, periodic rest for those who stand for long periods of time, and assistance with manual labor.

**What is a reasonable accommodation for a victim of domestic violence, sex offenses or stalking?**

A reasonable accommodation for victims of domestic violence, sex offenses and stalking is a change in a workplace rule or practice that allows the individual to perform his or her job. Under the City's EEO Policy, agencies must try to accommodate an employee or applicant who is a victim of domestic violence, sex offenses or stalking, unless the accommodation creates an undue hardship for the agency.

# What types of accommodations could my agency provide?

Depending on the circumstances, accommodations that are reasonable may include, but are not limited to, those listed below:

- **Facilities:** making facilities physically accessible to and usable by people with disabilities (e.g., providing ramps, restroom grab bars, and signage).
- **Job Restructuring:** for example, reallocating non-essential typing, telephone or other clerical assignments among employees, assignment of nonessential tasks to others, eliminating nonessential tasks, including a temporary restructuring of tasks, or voluntary swaps of shifts and/or reassignment.
- **Modified Work Schedules and Leave:** providing leave (e.g., permitting the use of paid or unpaid sick or annual leave for legal and medical appointments), or modifying work schedules (e.g., permitting part-time work schedules or alternative starting and ending times) either temporarily or permanently.
- **Modified Policies and Support Services:** modifying workplace practices, policies and/or procedures, providing qualified readers, interpreters, or other support services during the application, interview and testing processes, and



during training and other employment and employment-related activities, including employment-related social functions and City sponsored events, assistance with manual labor, time and/or place to pray, accommodations relating to appearance and dress, confidentiality of work addresses and phone numbers, unit, division and/or extra breaks, and periodic rest for those who stand for long periods of time.

- **Equipment:** providing or modifying equipment, devices or materials (e.g., providing large-print computer display programs).



# More Questions on Reasonable Accommodations:

## **What is an undue hardship?**

Undue hardship is when an accommodation is excessively difficult, costly, extensive, substantial, or disruptive, or an accommodation would change the nature or **operation of an agency's business**. Each request for an accommodation needs to be examined to determine if a request is reasonable and can be provided without creating an undue hardship.

## **How can I get an accommodation?**

Speak to a supervisor or a manager or an agency EEO representative. You may be asked to complete a form which is available at the EEO office and to provide documentation in support of your request. Requests for accommodation can be made at any time.

## **Will the information I provide related to my request be treated confidentially?**

Agency personnel must respect employee confidentiality. Information about the medical condition or history of an applicant or employee must be collected and maintained on separate forms and in separate medical files and be treated as a confidential medical record, except that: (i) supervisors and managers may be informed regarding necessary restrictions on work and accommodations required ; (ii) first aid and safety personnel may be informed, when appropriate, if the disability might require emergency treatment; (iii) government officials investigating compliance with applicable laws must be provided relevant information on request; (iv) worker's compensation offices must be provided information as required by the Worker's

Compensation Law; and (v) insurance providers may be provided information concerning the medical condition or history of an employee. Additionally, information may be made available to your Agency's Personnel Officer and General Counsel, who will also handle with confidentiality.

**How will a decision about my request for a reasonable accommodation be made?**

The agency will evaluate your request for a reasonable accommodation and determine whether that request will be granted. In some cases, the agency may ask you to provide additional information needed to make these determinations. If the agency concludes that you do qualify for a reasonable accommodation, the agency will consult with you to determine what accommodation to provide. The EEO officer may facilitate this process and help with researching an appropriate reasonable accommodation.

**If the agency finds that I do need a reasonable accommodation, am I entitled to the accommodation I requested?**

The agency will consider your preferences, but ultimately, the agency has the right to make a choice among reasonable accommodations that are effective. If the accommodation that you receive is no longer effective, you may request a different accommodation from your supervisor or agency disabilities rights coordinator.

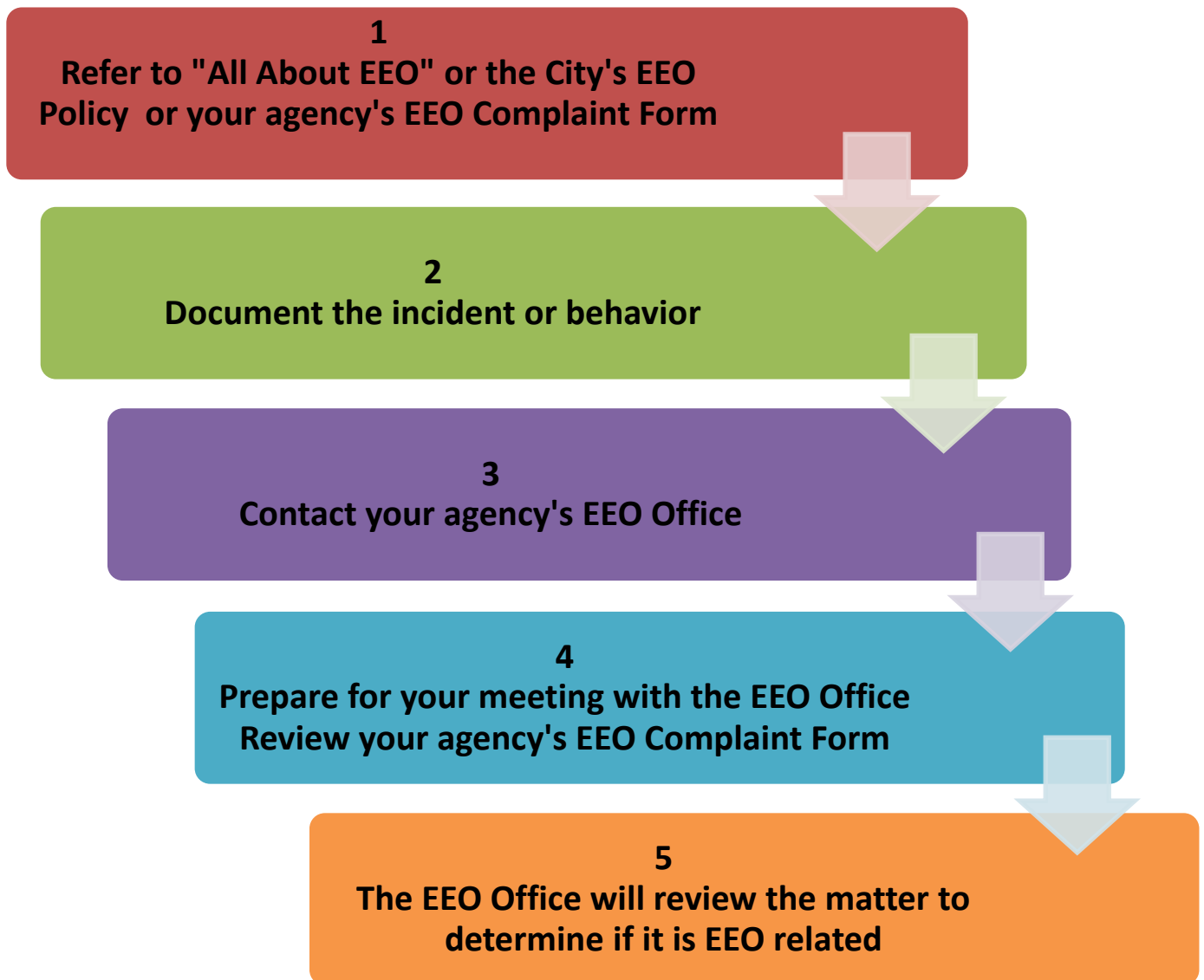
**What if my request for a reasonable accommodation is denied?**

If a request for reasonable accommodation is denied, you may accept the agency's decision and end the process or file an appeal with your agency head or his or her designee. If your appeal is denied you may file a discrimination complaint with your agency's EEO Office.

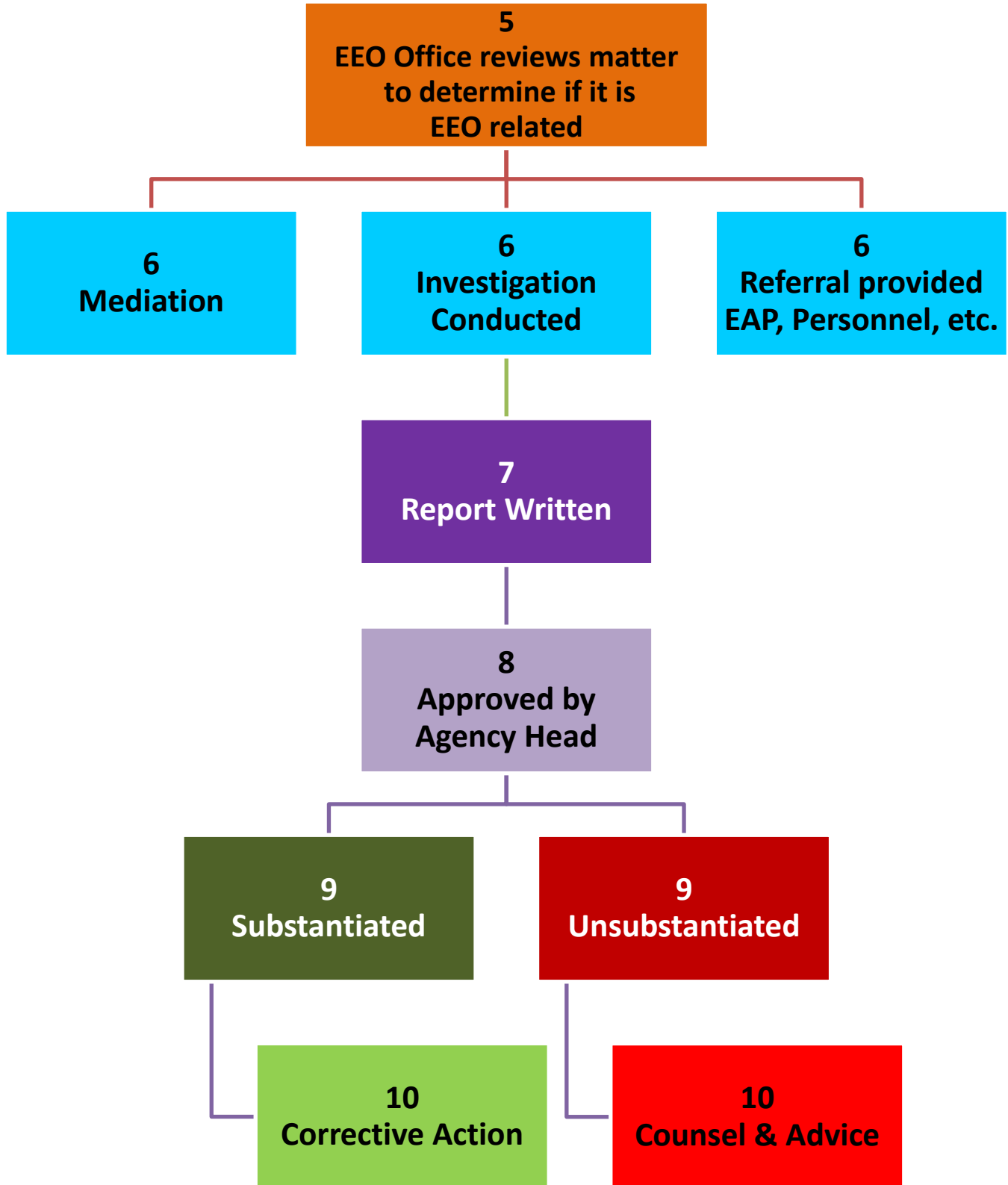
**New York City employees are protected from discrimination based on any of the following categories whether perceived or actual:**

**Age (18 and over), Alienage or Citizenship Status, Race, Color, Creed\Religion, Disability, Gender (or Sex) including Gender Identity, Marital Status, Military Status, National Origin, Partnership Status, Predisposing Genetic Characteristics/Genetic Information, Prior Record of Arrest or Conviction, Sexual Orientation, Unemployment Status, Victim of Domestic Violence, or Victim of Sex Offenses or Stalking**

**What can I do if I believe that I have been discriminated against?**



## What happens once I go to my EEO Office?



**Note:** A complaint can be filed anonymously. See page 24 of this booklet for information about the handling of anonymous complaints.

# The EEO Complaint Process

## Who is protected from discrimination under the City's EEO Policy?

All City of New York employees, including agency heads, executive staff, managers, supervisors, and non-supervisory employees, including

Work Experience Program ("WEP") participants and interns have a right to a workplace that is free of discrimination, including harassment, based on race, color, national origin, religion, gender, disability, or age, and any basis that could otherwise be determined to be prohibited behavior under the EEO Policy.



## What can I do if I believe that I have been discriminated against?

- Refer to the City's EEO Policy
- Document the incident or behavior (keep notes with dates, names, locations, etc.)
- Notify an EEO representative at your agency as soon as possible
- You may file an internal complaint with your agency's EEO office or an external complaint with any of the federal, state and local agencies that enforce laws against discrimination. (See list of agencies on pages 29-31.)

## What can I do if I witness discrimination or harassment?

You are urged to contact your agency's EEO officer or any other EEO representative within your agency if you believe that any type of discrimination is occurring at a City agency.

### **Who can I complain about?**

The City's EEO Policy applies to **anyone** who you encounter in the workplace. Complaints can be filed against any employee who harasses or discriminates against you: agency heads, executive staff, managers, supervisors, or co-workers. You can also file EEO complaints against people outside of your agency, such as clients, customers, consultants, vendors, or members of the public.

### **Am I protected against retaliation if I file a complaint, act as a witness, or request an accommodation?**

It is a violation of the City's EEO Policy to retaliate against or harass any person for filing an EEO complaint, participating in an EEO investigation or proceeding, or opposing discrimination in the workplace. You also may not be retaliated against for seeking a reasonable accommodation. You should report any retaliatory behavior to an agency EEO representative, and may also file a separate complaint on this basis. **Examples of retaliation include:** threats, demotion, transfer, termination, etc.

### **Can I file a complaint without giving my name?**

Yes, but if you do not reveal your identity, it may be difficult to investigate your complaint. If you request that your identity be concealed, your agency EEO representative will attempt not to reveal it. You should know, however, that sometimes, during the course of an investigation, your identity may become obvious to the person that you are complaining about.

### **How can I file a complaint?**

You can meet personally with an agency EEO representative. You can also file a complaint by calling, emailing, or writing the agency EEO office.

## **How long do I have to file a complaint with my agency EEO office?**

Discrimination complaints filed with your agency EEO office must be made within **one year** of the incident that you are complaining about. If you are considering filing a complaint with an outside agency, be aware that shorter time periods may apply. (See page 31).

## **What if I need help to file my complaint?**

Let an agency EEO representative know if you need assistance such as a physically accessible location, a sign language interpreter or special equipment in order to make a complaint or participate in the complaint process. In the event that you are unable to fill out a complaint form, an agency EEO representative will help you complete it.

## **Can I meet with my agency EEO representative during office hours?**

You can meet with an agency EEO representative during office hours, but, first, you should get permission to leave your work area. Your supervisor must approve such requests as long as your absence does not disrupt the operation of your unit. You are not required to tell your supervisor the reason that you want to meet with an agency EEO representative. If you prefer, an agency EEO representative can arrange to meet with you before or after office hours, during your lunch period, or at outside premises without your supervisor's knowledge or permission.

## **Can someone come with me to the EEO meeting?**

You may bring someone with you to the EEO meeting. This includes a co-worker, friend, spouse, other relative or family member, union representative, lawyer, or anyone else as long as you let the agency EEO representative know in advance.

### **What happens at the EEO meeting?**

An agency EEO representative will interview you to determine the basis of your complaint or concern. The agency EEO representative will discuss with you the available options for handling the matter. These options include actions you could take on your own or referrals to other offices and/or agencies which may be of assistance.

You should come to the meeting prepared to discuss the particulars of your complaint and to provide the EEO investigator with as much information as possible about the incident or actions that are the cause of your complaint such as: the dates, locations and details of the place that the incident occurred, the names of the person(s) who harassed or discriminated against you and any witnesses to the incident or actions.

### **What if my concern is not an EEO matter?**

Your agency's EEO Office will discuss and research options including actions that you may be able to take on your own behalf or referrals to other offices or agencies, depending on the specifics of the matter.

### **What is mediation?**

Mediation is a voluntary, informal, and confidential process that provides an opportunity for everyone involved in a complaint to come to a mutual agreement about how the complaint can be resolved. It is a choice that could quickly resolve your complaint without a full investigation.

### **What happens during an EEO investigation?**

During an investigation, the agency EEO representative will gather information to determine what happened. This process includes



reviewing the complaint, interviewing everyone involved (including any witnesses or anyone who might provide information), and reviewing documents or other available evidence. Evidence includes any notes, records, photos or other information that you or other witnesses present.

### **What happens after an EEO investigation?**

The agency EEO officer will report the outcome of the investigation to your agency head, who will determine whether to approve and adopt the findings of the EEO Officer. In some cases, information contained in an EEO complaint may be shared with the agency's disciplinary officer, general counsel or inspector general. If a violation of the City's EEO Policy has occurred, appropriate corrective action will be taken. Corrective action may include disciplinary measures such as formal reprimand, suspension, demotion, fine or termination. It may also include measures necessary to address the impact that the policy violation had on the complainant or the agency. The agency EEO officer will advise all parties of the agency head's determination.

### **Will my privacy be protected?**

All complaints, investigations, requests for accommodations and records will be handled, to the extent possible, in a manner that will protect the privacy interests of those involved. EEO matters may be discussed with other persons who may have information about a complaint or who are necessary to implement reasonable accommodations for disability, religion or based on status as a victim of domestic violence, a sex offense or stalking, and pregnancy, childbirth or related medical condition. Therefore, it may be necessary to disclose information to persons with a legitimate need to know about the matter.

### **What if I change my mind after I file a complaint and want to withdraw it?**

If you change your mind after you file a complaint, your agency EEO officer may still have to find out whether the discriminatory conduct that you complained about requires further action. If so, the agency EEO officer will continue to address the complaint and take appropriate action.

### **What if I am named as a Respondent in an EEO complaint?**

If someone names you in a complaint as violating the EEO Policy, you must cooperate with the investigation. You are allowed to bring a representative with you, and you will be given the opportunity to respond to the complaint in writing.

### **What if someone files a false complaint?**

If an employee knowingly makes a false accusation of discrimination or knowingly provides false information in the course of an investigation of a complaint filed with an agency's EEO Office, such conduct may be grounds for disciplinary action.

# What if I decide to file a complaint outside of my agency?



You have the right to file a complaint with any of the below listed federal, state and local agencies that enforce laws against discrimination. If you have also filed an internal complaint with your agency's EEO Office based on related or the same facts and circumstances, your agency EEO Officer will close out the internal complaint, and your agency's General Counsel will then represent your agency in responding to the external complaint.

## **New York City Commission on Human Rights**

100 Gold Street, Suite 4600

New York, NY 10038

(212)-306-7560 (voice)

Web site: [www.nyc.gov/html/cchr/home.html](http://www.nyc.gov/html/cchr/home.html)

## **New York State Division of Human Rights**

One Fordham Plaza, 4th Floor

Bronx, NY 10458

(718)-741-8400

or

163 West 125th Street, 4th Floor

New York, NY 10027

(212)-961-8650 (voice); (212) -961-8999 (TTY)

or

55 Hanson Place, 3rd Floor  
Brooklyn, NY 11217  
(718) -722-2856  
Web site: [www.dhr.ny.gov](http://www.dhr.ny.gov)

**United States Equal Employment  
Opportunity Commission**

New York District Office  
33 Whitehall Street, 5th Floor  
New York, NY 10004  
(212)-336-3620 (voice); (212)-336-3622 (TTY)  
Web site: [www.eeoc.gov](http://www.eeoc.gov)

In addition to filing with the agencies listed above, a person with a complaint alleging discrimination based on disability may file with:

**United States Department of Justice**

Civil Rights Division  
Disability Rights Section  
New York Avenue Building  
950 Pennsylvania Avenue N.W.  
Washington, D.C. 20530  
(202)-307-0663 (voice and TDD)  
Web site: [www.justice.gov/crt/index.php](http://www.justice.gov/crt/index.php)

A person with a complaint alleging discrimination based on citizenship or immigration status may file with:

**United States Department of Justice**

Civil Rights Division  
Office of Special Counsel for Immigration-Related Unfair  
Employment Practices

Office of Special Counsel  
New York Avenue Building  
950 Pennsylvania Avenue NW  
Washington, DC 20530  
Voice: (202)-616-5594; (202)-616-5525; 1-800-255-7688  
TDD: (202)-616-5525; 1-800-237-2515  
Web site: [www.justice.gov/crt/about/osc/](http://www.justice.gov/crt/about/osc/)

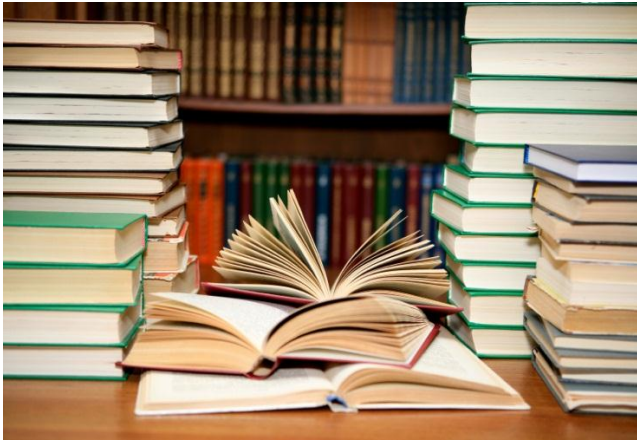
A person who has been discriminated against by a recipient of financial assistance from the U.S. Department of Labor may file a complaint, either with the recipient or with the Civil Rights Center (CRC). Those who wish to file complaints with CRC should mail their complaints to:

**United States Department of Labor**

Director, Civil Rights Center  
Frances Perkins Building, Room N-4123  
200 Constitution Avenue, NW  
Washington, DC 20210  
(202)-693-6502 (voice); (202)-693-6515/16 (TTY)  
Web site: [www.dol.gov/oasam/programs/crc/](http://www.dol.gov/oasam/programs/crc/)

**Please Note:** There are statutory deadlines for filing complaints with each of these agencies. The deadline in some instances is as short as 180 days. If you wish to file a complaint with an external administrative agency, you should contact the external agencies promptly.

# How can I find out more about EEO?



If you want to find out more, contact your agency's **EEO officer** or other EEO representative or visit your agency's intranet site. You may also download the [City's EEO Policy](#) from the **DCAS website**:

<http://www.nyc.gov/html/dcas/html/about/eo.shtml>

For the City's EEO Complaint Procedure:

[http://www.nyc.gov/html/dcas/downloads/pdf/misc/eo\\_discriminationcomplaintprocedures.pdf](http://www.nyc.gov/html/dcas/downloads/pdf/misc/eo_discriminationcomplaintprocedures.pdf)

For the City's Reasonable Accommodation Procedure:

[http://www.nyc.gov/html/dcas/downloads/pdf/misc/eo\\_reasonableaccommodation.pdf](http://www.nyc.gov/html/dcas/downloads/pdf/misc/eo_reasonableaccommodation.pdf)



**2014**

**City of New York  
Bill de Blasio, Mayor**

**Department of Citywide Administrative Services  
Lisette Camilo, Commissioner**



# PATROL GUIDE

Section: Personnel Matters		Procedure No: 205-36
<b>EMPLOYMENT DISCRIMINATION</b>		
DATE EFFECTIVE: 05/27/21	LAST REVISION: I.O. 37	PAGE: 1 of 10

## PURPOSE

To process and resolve all complaints of employment discrimination and/or related retaliation made against Department employees and applicants.

## SCOPE

Employees and applicants for employment who have a complaint of employment discrimination, including related retaliation, or have any questions regarding these issues, are urged to contact the Equal Employment Opportunity Division (EEO). It is the goal of this Department that the effective use of this procedure will result in an equitable resolution of the complaint and prevent any discriminatory practice from harming other employees or applicants. Uniformed and civilian supervisors and managers are directed to make all employment decisions in accordance with the Department’s Equal Employment Opportunity (EEO) policy. Uniformed and civilian supervisors and managers, and EEO Liaisons *must* report allegations or complaints of employment discrimination and retaliation, and any observations of conduct of a discriminatory or retaliatory nature.

Federal, State and/or City laws and/or Department policy prohibit employment discrimination based on actual or perceived status of a person’s race, color, national origin, alienage or citizenship status, religion or creed, gender (including gender identity - which refers to a person’s actual or perceived sex, and includes self-image, appearance, behavior or expression, whether or not different from that traditionally associated with the legal sex assigned to the person at birth), pregnancy and pregnancy related conditions, sexual and reproductive health decisions (e.g., fertility-related medical procedures, sexually transmitted disease prevention, testing and treatment, family planning services and counseling, such as birth control drugs and supplies, emergency contraception, sterilization procedures, pregnancy testing and abortion), disability, age, military status and uniformed service, unemployment status, consumer credit history (for certain titles), salary history, familial status (parent or guardian of a person under 18 years of age who is living with them), caregiver status (person who provides ongoing care for a minor child or relative with a disability), prior record of arrest or conviction (under some circumstances), marital status, partnership status, genetic information or predisposing genetic characteristic, sexual orientation, or status as a victim of domestic violence, stalking or sexual offenses and as follows:

- a. Discriminatory treatment regarding any term, condition or privilege of employment, including hiring, assignments, working conditions, salary and benefits, evaluations, promotions, training, transfers, discipline and termination
- b. Sexual harassment against New York City Police Department employees, applicants and any non-employee who is a contractor, subcontractor, vendor, consultant, freelancer or other person providing services pursuant to a contract in the workplace or who is an employee of such contractor, subcontractor, vendor, consultant, freelancer or other person providing services pursuant to a contract in the workplace



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## SCOPE (continued)

- c. Policy that has a disproportionate impact on a group specifically protected by law, unless the policy is justified by business necessity
- d. Failure to make a reasonable accommodation for or failure to timely engage in cooperative dialogue with individuals with disabilities, religious observances/practices, those who are pregnant, recovering from childbirth or a related medical condition, and victims of domestic violence, stalking and/or sexual offenses. An accommodation may not be required if such accommodation would impose undue hardship on the Department, but a cooperative dialogue must still occur
- e. Discriminatory harassment, intimidation, ridicule and insults, including, but not limited to, using discourteous, disparaging or disrespectful remarks
- f. Retaliation and/or harassment against an employee, applicant and any non-employee who is a contractor, subcontractor, vendor, consultant, freelancer or other person providing services pursuant to a contract in the workplace or an employee of the same, for filing a discrimination complaint, participating in an investigation of a complaint, commencing a civil action based on unlawful discrimination or requesting a reasonable accommodation.

All forms of employment discrimination, including retaliation, are **PROHIBITED** both in the actual workplace and in any location that can be reasonably regarded as an extension of the workplace, such as an off-site Department sanctioned social function.

Employees and applicants should file a complaint with the EEO at the earliest opportunity if the employee or applicant believes that a uniformed or civilian supervisor, manager or any other employee has engaged in any of the conduct described above.

## NOTE

*A complaint made in good faith will not be considered a false accusation. Knowingly making a false accusation of discrimination or knowingly providing false information during the course of an investigation of a complaint may be grounds for discipline.*

At least one or more trained EEO Liaisons must be designated in every command throughout the Department to provide assistance to complainants, witnesses and others regarding any EEO matter. EEO Liaisons are non-supervisory members of the service who serve voluntarily with the recommendation of their Commanding Officer and approval of the DCEI. For further information about the EEO Liaison Network, contact the Program Coordinator at (646) 610-5330.

## DEFINITIONS

**EMPLOYMENT DISCRIMINATION** – Disparate treatment of employees or applicants regarding any terms, conditions or privileges of employment, including hiring, assignments, working conditions, salary and benefits, evaluations, promotions, training, transfers, discipline and termination based on actual or perceived status of a person’s race, color, national origin, alienage or citizenship status, religion or creed, gender (including gender identity), sexual and reproductive health decisions (e.g., fertility-related medical procedures, sexually transmitted disease prevention, testing and treatment, family planning services and counseling, such as birth control drugs

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## DEFINITIONS (continued)

and supplies, emergency contraception, sterilization procedures, pregnancy testing and abortion), pregnancy, disability, age, military status, unemployment status, salary history, consumer credit history (for certain titles), familial status (parent or guardian of a person under 18 years of age who is living with them), caregiver status (person who provides ongoing care for a minor child or relative with a disability or elder care), prior record of arrest or conviction (under some circumstances), marital status, partnership status, genetic information or predisposing genetic characteristics, sexual orientation, or status as a victim of domestic violence, stalking or sexual offenses. Sexual harassment is a form of gender discrimination.

SEXUAL HARASSMENT – Unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

- a. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual’s employment; or
- b. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
- c. Such conduct has the effect of unreasonably interfering with an individual’s work performance or creating an intimidating, hostile or offensive work environment.

## NOTE

*Conduct which can, in certain circumstances, be considered sexual harassment includes, but is not limited to, sexually suggestive remarks, pictures, gesturing, verbal harassment or abuse of a sexual nature, subtle or direct propositions for sexual favors, and any unnecessary or unwanted touching, patting or pinching.*

DISABILITY – Any physical, medical, mental, or psychological impairment, or a history or record of such impairment.

1. Physical, medical, mental, or psychological impairment refers to:
  - a. An impairment of any system of the body; including, but not limited to, the neurological system; the musculoskeletal system; the special sense organs and respiratory organs, including, but not limited to, speech organs; the cardiovascular system; the reproductive system; the digestive and genito-urinary systems; the hemic and lymphatic systems; the immunological systems; the skin; and the endocrine system; or
  - b. A mental or psychological impairment.
2. In the case of alcoholism, drug addiction or other substance abuse, the term ‘disability’ only applies to a person who:
  - a. Is recovering or has recovered, and
  - b. Is currently free of such abuse.

## NOTE

*An employee or applicant who requires a reasonable accommodation related to their disability shall complete Section “I” of **REASONABLE ACCOMMODATION REQUEST FOR JOB APPLICANTS (PD407-015)** or **REASONABLE ACCOMMODATION REQUEST FOR EMPLOYEES (PD407-015A)**, as appropriate (see A.G. 320-47, “Reasonable Accommodations for Employees and Applicants”). These forms are readily available at all Department facilities and on the Intranet.*

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## DEFINITIONS (continued)

**RETALIATION** – It is unlawful to retaliate against or harass any person for filing an EEO complaint, participating in an EEO investigation or proceeding, or opposing or reporting any policies, practices or action which he/she believes to be discriminatory. Retaliation is also prohibited against any person requesting a reasonable accommodation. Any member of the service who engages in such retaliation or harassment will be subject to disciplinary action regardless of the findings of the initial EEO investigation or proceeding.

**CONFIDENTIALITY** – The EEOD and all Department uniformed and civilian supervisors, managers and EEO Liaisons will treat each complaint CONFIDENTIALLY. This means that information obtained from the complaint or revealed during the course of the investigation conducted by the EEOD will not be discussed with other personnel except as necessary to investigate and resolve the complaint or other matter or as required by law. Complainants should make every effort to maintain the confidential nature of this process. Witnesses and respondents of an EEO investigation shall not discuss the nature of the complaint being investigated by the EEOD or any aspect of an open or closed EEOD case with anyone except their union representative of a line organization and/or legal counsel.

All EEO complaints will be handled under the direction of the Deputy Commissioner, Equity and Inclusion (DCEI). In appropriate cases, the investigation will be conducted in conjunction with the Internal Affairs Bureau and other Department units as necessary or required.

## REPORTING REQUIREMENTS

- I. Any non-supervisory member of the service is *strongly encouraged* to report the complaint or the problem to the EEOD, a supervisor or manager at any level, or an EEO Liaison when the member of the service:
  - a. Becomes aware of an employment discrimination or sexual harassment complaint or problem; or
  - b. Becomes aware of a complaint or problem of retaliation for making an EEO complaint or participating in an EEO investigation; or
  - c. Is asked or encouraged to retaliate against a member of the service for making an EEO complaint or participating in an EEO investigation.
- II. Any supervisor, manager or EEO Liaison *must* report the complaint or problem to the EEOD as soon as possible, or by the next business day, when the member of the service:
  - a. Observes conduct of a discriminatory nature; or
  - b. Becomes aware of an allegation or complaint of employment discrimination or sexual harassment; or
  - c. Observes or becomes aware of any act of retaliation regarding EEO matters
  - d. The member must report and shall not investigate the observed conduct, allegation, or complaint of employment discrimination, sexual harassment, or retaliation.

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**NOTE** *In order to ensure confidentiality, supervisors and EEO Liaisons must not make any entries regarding a complaint of employment discrimination and/or related retaliation in any official Department record.*

**PROCEDURE** When a member of the service or an applicant for employment believes that employment discrimination or sexual harassment exists as defined herein, and in the **Equal Employment Opportunity Policy Statement (SP 297)** and/or **Sexual Harassment Policy Statement (SP 281)**, or that retaliation relating to EEO issues has occurred:

- MEMBER CONCERNED**
1. File a complaint of employment discrimination and/or related retaliation with any of the following:
    - a. Office of Equity and Inclusion, Equal Employment Opportunity Division by telephone at (646) 610-5330, by email at EEOcomplaints@NYPD.org, by facsimile at (646) 610-7229, in writing, or in person at 375 Pearl Street, 15<sup>th</sup> Floor, Suite 4, New York, NY 10038; or
    - b. Supervisor (uniformed or civilian); or
    - c. Manager; or
    - d. Commanding officer; or
    - e. Equal Employment Opportunity Liaison.

**NOTE** *After business hours and on weekends, the EEOD receives messages via office voice mail, and email and will make return phone calls on the next business day.*

*Non-supervisory members of the service may telephone the EEOD anonymously to file a complaint and/or discuss matters regarding employment discrimination and/or related retaliation. An investigator assigned to the EEOD will be able to provide counseling and take appropriate follow-up action. Members concerned should understand that the cooperation of complainants and witnesses may be needed to rectify or address a problem of employment discrimination. Non-supervisory members of the service may report an allegation(s) of employment discrimination and/or related retaliation in writing anonymously by preparing a detailed written report and forwarding the report to the Deputy Commissioner, Equity and Inclusion Attn: Equal Employment Opportunity Division, One Police Plaza – Room 1204, New York, New York 10038.*

***EQUAL EMPLOYMENT OPPORTUNITY COMPLAINT OF EMPLOYMENT DISCRIMINATION (PD413-150) forms must be readily available at all Department facilities. Additionally, this form is available for viewing and printing via the Intranet.***

- SUPERVISOR/  
MANAGER/C.O./  
EEO LIAISON**
2. Immediately upon observing conduct of a discriminatory or retaliatory nature, or becoming aware of an allegation or complaint of employment discrimination, sexual harassment or retaliation relating to an EEO issue:
    - a. Telephone facts to the EEOD during business hours or the next business day, Monday through Friday, 0800 to 1800 hours
      - (1) During non-business hours, leave a message on voice mail with contact number and an investigator assigned to the EEOD will contact caller

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**SUPERVISOR/  
MANAGER/C.O./  
EEO LIAISON  
(continued)**

- b. Obtain EEOD case or inquiry number and name of the investigator
- c. Be guided by information received from the EEOD.

**NOTE**

*A supervisor receiving an allegation of employment discrimination, sexual harassment and/or related retaliation against oneself must immediately notify the EEOD.*

**SUPERVISOR/  
MANAGER/C.O.**

3. If matter is issued a EEOD case number, forward **confidential** report on **Typed Letterhead** to the EEOD (DIRECT), within five business days.

**NOTE**

*Any supervisor or EEO liaison who fails to report an employment discrimination complaint or problem, including retaliation, to the EEOD as required, and/or within the required time frames and/or who fails to take such actions as directed by the EEOD to prevent employment discrimination, including sexual harassment and retaliation, from occurring in the future will be subject to disciplinary action.*

*The Department prohibits the display in any form of offensive sexual, ethnic, racial, religious or other discriminatory material in or while using Department facilities or resources. Refer to P.G. 205-37, "Sexual, Ethnic, Racial, Religious, or Other Discriminatory Slurs Through Display of Offensive Material," for guidelines on handling incidents involving the display of offensive material.*

**EEOD**

4. Notify commanding officer/manager, if and/or when appropriate.
5. Emphasize to the commanding officer/manager and all others concerned that reprisal or retaliation against complainants and/or witnesses is against the law and allegations of retaliation will be investigated and, if substantiated, members will be subject to disciplinary action.
6. Record required data in appropriate EEOD record and assign a case or inquiry number to all complaints.

**NOTE**

*Upon receiving a complaint, an investigator assigned to the EEOD will attempt to contact and interview the complainant, and will advise the complainant that he/she may meet with an investigator to discuss the complaint at the EEOD or at a mutually agreed discreet location of his/her choice before, during or after work hours to protect his/her confidentiality. Additionally, the member will be advised that he/she may be accompanied by a representative of his/her choice.*

*Members are reminded that they do not have to notify a supervisor if they agree to meet with an EEOD investigator during **non-working hours**.*

*However, if a complainant wishes to meet with an investigator during **working hours**, the investigator will make a confidential notification to the command's integrity control officer, assistant integrity control officer, executive officer, commanding officer or other supervisory member not involved in the complaint to have the complainant appear at the EEOD. Supervisors cannot unreasonably deny permission to attend the meeting. A member's appearance at the EEOD must not be documented on any official Department record.*

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## EEOD (continued)

7. Counsel member filing complaint about options for handling complaint and/or refer member to other personnel for assistance.
8. If it is determined that an investigation is to be conducted, notify respondent in writing of the nature of the allegation(s), when necessary.
  - a. Remind respondent that employment discrimination and/or related retaliation will not be tolerated and may be subject to discipline.
9. After completion of the investigation and when appropriate, forward results of the investigation conducted by the EEOD to the Police Commissioner with recommendations for specific corrective action.
10. Notify complainant in writing of the outcome of the investigation and any corrective/disciplinary action taken.
  - a. Notify respondent about the outcome of the investigation in writing when appropriate.

## COMMANDING OFFICER/ MANAGER

11. Address the matter as directed by and under the guidance of the DCEI.
12. When directed, forward confidential report on Typed Letterhead to DCEI (DIRECT).
  - a. Refer to EEOD case number.
  - b. Report what corrective action was taken to address the complaint and describe any steps taken to preclude a reoccurrence.
13. Take all reasonable steps necessary to prevent the respondent from engaging in additional employment discrimination and related retaliation.

## NOTE

*Copies of all documents related to EEOD complaints and investigations must be kept in a confidential file maintained by the commanding officer/supervisory designee consistent with the confidentiality requirements of this directive.*

## ADDITIONAL DATA

### COUNSELING

*The complainant will be interviewed to ascertain the details of the complaint and will be apprised of the options for handling the complaint. These may include:*

- a. *Investigation by the EEOD*
- b. *Mediation by a neutral mediation service*
- c. *Further actions the member of the service can take on his/her own behalf*
- d. *The member of the service filing a formal complaint with an outside agency*
- e. *Referral of the member concerned to other personnel for assistance if it appears that the complaint does not involve an EEO problem.*

### MEDIATION

*In appropriate cases, certain EEO complaints will be referred for mediation by a neutral mediator at a neutral location. Mediation is an early dispute resolution program designed to help resolve EEO complaints at the earliest stage possible without the need for a formal investigation. The procedure is not adversarial, but is a means of finding a mutually acceptable end to the parties' differences. This process is voluntary and the parties must mutually agree to the outcome. If the parties cannot agree upon a resolution, the matter will be referred back to the EEOD for appropriate action. If a resolution is reached after mediation, no notations concerning the matter will be made on the respondent's Central Personnel Index record.*

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**ADDITIONAL  
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INVESTIGATION

*In order to encourage members of the service to come forward, all communications between complainants and the EEOD relating to employment discrimination complaints will be kept confidential consistent with the above statement regarding CONFIDENTIALITY. Any person who is interviewed in the course of an investigation shall have the right to be accompanied by a representative of his/her choice.*

*An investigation will be conducted by the EEOD or a person acting under the direction of the DCEI. The investigation begins after the EEOD:*

- a. *Receives either an oral or a written complaint of employment discrimination and/or related retaliation, and*
- b. *Determines that the allegations in the complaint are sufficient to establish a case of unlawful employment discrimination and/or related retaliation.*

*After receiving the notice and copy of the complaint, the respondent has the right to respond in writing within fourteen calendar days. Respondents must maintain the confidentiality of the EEO process.*

*At the conclusion of an investigation, the DCEI will forward a confidential report of the investigation to the Police Commissioner. If the DCEI concludes on the basis of the investigation that the allegation of employment discrimination is substantiated, the DCEI shall recommend appropriate corrective action. The Police Commissioner will review the report prepared by the DCEI and make a final determination regarding the investigation and any recommendation for corrective action. Disciplinary action shall be taken in accordance with any applicable provisions of law, rules and regulations, and collective bargaining agreements.*

*Following the endorsement by the Police Commissioner of a recommendation by the DCEI that an EEO complaint is:*

- a. *Substantiated, in whole or in part, the DCEI will require the commanding officer of the involved command or other appropriate person to appear at its office to discuss the final report with the DCEI, Commanding Officer, EEOD, or designee. The commanding officer or other appropriate person shall take action as may be directed by the DCEI. The meeting as well as a record of action taken shall be documented in the case file.*
- b. *Unsubstantiated (as opposed to “unfounded”), the DCEI may require the commanding officer of the involved command or other appropriate person to appear at its office to discuss the final report with the DCEI, Commanding Officer, EEOD, or designee. The commanding officer or other appropriate person shall take action as may be directed by the DCEI. The meeting, as well as a record of action taken, shall be documented in the case file.*

*If the DCEI concludes, as a result of an investigation, that an act of employment discrimination and/or related retaliation has occurred but cannot identify the person(s) responsible, the DCEI may require the commanding officer/manager of the command/unit of occurrence or other appropriate person to appear at the EEOD to discuss the final report with the Commanding Officer, EEOD, or designee. The commanding officer or other appropriate person shall take action as may be directed by the DCEI. The meeting and a record of action taken shall be documented in the case file.*

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**ADDITIONAL  
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*When charges and specifications are pending or preferred against a member of the service, an allegation of discriminatory treatment raised as a defense to the charges by the respondent member of the service shall vest in the exclusive jurisdiction of the Deputy Commissioner, Trials until the charges and specifications have been resolved. After the charges and specifications have been resolved, jurisdiction over the allegation of employment discrimination shall be assumed by the DCEI upon written request of the affected party. In all other disciplinary matters, any allegation of employment discrimination raised by the member of the service concerned must be immediately reported to the EEOD.*

**ADDITIONAL PLACES WHERE A COMPLAINT OF DISCRIMINATION MAY BE MADE**

*Any member of the service or applicant for employment who believes that they have experienced discrimination has a right to file a formal complaint with the federal, state or local agencies listed below. A person does not give up this right when the person files a complaint with the Police Department's EEOD. The following local, state and federal agencies enforce laws against discrimination:*

**NEW YORK CITY COMMISSION ON HUMAN RIGHTS (NYCCHR)**

**22 Reade Street  
New York, New York 10007  
Telephone: 311 or (212)416-0197**

**NEW YORK STATE DIVISION OF HUMAN RIGHTS (NYS DHR)**

**Headquarters  
One Fordham Plaza, 4th Floor  
Bronx, New York 10458  
OR  
163 West 125<sup>th</sup> Street, 4<sup>th</sup> Floor  
New York, NY 10027  
OR  
55 Hanson Place, Room 1084  
Brooklyn, NY 11217  
Telephone: (888)392-3644**

**UNITED STATES EQUAL EMPLOYMENT OPPORTUNITY COMMISSION**

**New York District Office  
33 Whitehall Street, 5th Floor  
New York, New York 10004**

**TIME PERIODS FOR THE FILING OF COMPLAINTS OF EMPLOYMENT DISCRIMINATION, INCLUDING RELATED RETALIATION (MEASURED FROM THE DATE OF THE LAST OCCURRENCE OF A DISCRIMINATORY ACTION):**

- a. *New York City Police Department - one year*  
(1) *New York City Police Department - three year statute of limitations (for complaints of sexual harassment only)*

*The one year time period for filing complaints of employment discrimination, including related retaliation, with the New York City Police Department shall not serve as a limitation upon the Department's authority to discipline members of the service as otherwise authorized pursuant to applicable law*



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**ADDITIONAL  
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- b. *New York City Commission on Human Rights – one year (New York City Administrative Code, Title 8, Chapter 1) (Three years for sexual harassment)*
- c. *New York State Division of Human Rights - one year (New York Executive Law, Article 15, section 297) (may not file if civil action filed first)*
- d. *United States Equal Employment Opportunity Commission – three hundred days, regardless of whether there has been a prior filing with another agency. A member of the service is advised to contact the United States Equal Employment Opportunity Commission directly for guidance on this issue (42 USC, Section 2000e-5[c]).*

**RELATED  
PROCEDURES**

*Sexual, Ethnic, Racial, Religious, or Other Discriminatory Slurs Through Display of Offensive Material (P.G. 205-37)*  
*Grievance Procedures for Members of the Public with Disabilities (A.G. 308-06)*  
*Reasonable Accommodations for Employees and Applicants (A.G. 320-47)*  
*Official Communication – Preparation (A.G. 322-11)*

**FORMS AND  
REPORTS**

***REASONABLE ACCOMMODATION REQUEST FOR JOB APPLICANTS (PD407-015)***  
***REASONABLE ACCOMMODATION REQUEST FOR EMPLOYEES (PD407-015A)***  
***EQUAL EMPLOYMENT OPPORTUNITY COMPLAINT OF EMPLOYMENT DISCRIMINATION (PD413-150)***  
***Typed Letterhead***



# PATROL GUIDE

Section: Personnel Matters		Procedure No: 205-37
<b>SEXUAL, ETHNIC, RACIAL, RELIGIOUS, OR OTHER DISCRIMINATORY SLURS THROUGH DISPLAY OF OFFENSIVE MATERIAL</b>		
DATE EFFECTIVE: 05/27/21	LAST REVISION: I.O. 37	PAGE: 1 of 3

## PURPOSE

To eliminate the display of offensive sexual, ethnic, racial, religious or other discriminatory material throughout the Department.

## SCOPE

It is the goal of the Department to ensure a discrimination free work environment. In furtherance of this goal, the Department prohibits the display of offensive sexual, ethnic, racial, religious or other discriminatory material.

One form of employment discrimination which may create a hostile work environment is the display of sexually explicit material in the workplace. Other forms of a hostile work environment can occur through the display of offensive ethnic, racial, religious or other discriminatory materials or graffiti, whether they deface Department property or not. Such displays might be in the form of, but are not limited to, postings, pictures, tattoos, graffiti drawn on Department property (e.g., lockers, vehicles, in toilet facilities, **ACTIVITY LOGS [PD112-145]**, Notice of Parking Violations, summonses, or any other Department forms, etc.), or an adult movie/program or other offensive material shown through the use of a any electronic storage media or device (e.g., video cassette, DVD/CD, flash drive, hard drive, etc.), or received through an adult channel from a cable/satellite company, or audio recording or broadcast, or an email communication(s), text message(s), or through any electronic or other device.

No form of defacement of Department property, display of offensive materials, sexually explicit television programs, videotapes or DVDs, derogatory email communications, text messaging or voice mail communications, in or using Department facilities or resources, is acceptable. Commanding officers, managers and supervisors shall keep their work sites free from such displays.

## PROCEDURE

When a display of offensive material is discovered:

## MEMBER CONCERNED

1. Any **non-supervisory member of the service** who becomes aware of the display of offensive material is *strongly encouraged* to report it to any of the following:
  - a. The Equal Employment Opportunity Division (EEO) by telephone at (646) 610-5330, by email at [EEOcomplaints@NYPD.org](mailto:EEOcomplaints@NYPD.org), by facsimile at (646) 610-7229, in writing, or in person at 375 Pearl Street, 15<sup>th</sup> Floor, Suite 4, New York, NY 10038; or
  - b. Supervisor (uniformed or civilian); or
  - c. Manager; or
  - d. Commanding officer; or
  - e. Equal Employment Opportunity (EEO) Liaison.

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## NOTE

*Trained EEO Liaisons have been designated throughout the Department to provide assistance to complainants, witnesses and others regarding any EEO matter. For further information about the EEO Liaison Program, contact the Program Coordinator at (646) 610-5072.*

*After business hours and on weekends, EEOD receives messages via office voice mail and will make return phone calls on the next business day.*

## A SUPERVISOR WHO BECOMES AWARE OF THE DISPLAY OF OFFENSIVE MATERIAL WILL AS SOON AS POSSIBLE:

### SUPERVISORY MEMBER

2. Telephone facts to EEOD during business hours or the next business day, Monday through Friday, 0800 to 1800 hours, and be guided by information received from EEOD.
  - a. During non-business hours, leave a message with a contact number on the voice mail and:
    - (1) Photograph the offensive material; and
    - (2) Take immediate steps to secure, remove and/or cover the offensive material from public display.
3. Safeguard the offensive material if possible, and prepare **PROPERTY CLERK INVOICE (PD521-141)** utilizing the Property and Evidence Tracking System.
  - a. Invoice the material as investigatory evidence.
4. Make Command Log entry of details.
  - a. Do not describe or identify the specific offensive material/object that was discovered.
5. Notify commanding officer/manager.
6. Forward confidential report on Typed Letterhead to the Commanding Officer, EEOD (DIRECT) within five business days. Include the following information on the report:
  - a. EEOD case number,
  - b. Photo(s) of the offensive material and a copy of the **INVOICE**, if applicable.

## NOTE

*In addition to reporting the observation to EEOD, corrective action may take the form of removing the offensive material if it is a magazine or poster, etc., or having a **WORK ORDER (PD176-161)** prepared and forwarded, if necessary.*

### EEOD

7. Ensure that the commanding officer/manager is notified of the display of offensive material.

### COMMANDING OFFICER/MANAGER

8. Inform/advise members of command, as appropriate, upon receiving a complaint of a display of offensive material, or having witnessed such display that:
  - a. A display of offensive material has occurred and that such display violates Department policy
    - (1) **DO NOT** describe or identify the specific offensive material/object that was discovered

# PATROL GUIDE

PROCEDURE NUMBER:	DATE EFFECTIVE:	LAST REVISION:	PAGE:
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**COMMANDING OFFICER/ MANAGER (continued)**

- b. This behavior will not be tolerated and is subject to disciplinary action.
- 9. Confer with the EEOD and determine appropriate follow-up and/or investigatory action.
- 10. Notify the EEOD promptly by telephone of the results of any investigation.
- 11. Forward confidential report on Typed Letterhead to the Commanding Officer, EEOD (DIRECT) within five business days. Include the following information on the report:
  - a. Refer to EEOD case number
  - b. Report the results of the investigation and what corrective action was taken to address the matter and describe any steps taken to preclude a reoccurrence.

**ADDITIONAL DATA**

*It will be incumbent upon all supervisors, and in particular the operations coordinator and the desk officer, when they make their daily inspections to ensure that no form of offensive material is displayed. Also, all Department vehicles will be inspected by the operator prior to use to ensure that there is no graffiti or any other form of offensive sexual, ethnic, racial, religious or other discriminatory material displayed. Should any such material be found in a Department vehicle, the procedures detailed above will be followed.*

*In addition, the following rules regarding audio recordings and broadcasts, cable/satellite television services or the use of electronic storage media or devices (video cassettes, DVDs/CDs, flash drives, hard drives, etc.) in Department facilities will be adhered to:*

- a. *Sexually explicit audio broadcasts, television programs or videos shall not be listened to, shown or viewed in Department facilities, unless necessary as part of a documented, on-going, official investigation*
- b. *Premium channels, which provide sexually explicit material, will not be permitted to be received on any cable/satellite receiver at a Department facility*
- c. *Commanding officers/managers or supervisor designee will contact cable/satellite television companies and have them "block out" any stations received on the basic package which routinely show sexually explicit programming, if possible.*

*Commanding officers/managers must stress to their subordinates that these forms of behavior will not be tolerated.*

**RELATED PROCEDURES**

*Employment Discrimination (P.G. 205-36)  
Department Computer Systems (P.G. 219-14)*

**FORMS AND REPORTS**

**ACTIVITY LOG (PD112-145)**  
**PROPERTY CLERK INVOICE (PD521-141)**  
**WORK ORDER (PD176-161)**  
*Typed Letterhead*



# EQUAL EMPLOYMENT OPPORTUNITY

## P O L I C Y

STANDARDS AND PROCEDURES  
TO BE UTILIZED BY CITY AGENCIES

CITY OF NEW YORK

**2014 (Updated via latest addendum-2019)**

# EQUAL EMPLOYMENT OPPORTUNITY POLICY

STANDARDS AND PROCEDURES  
TO BE UTILIZED BY CITY AGENCIES

**CITY OF NEW YORK**

**BILL DE BLASIO**  
Mayor

**LISETTE CAMILO**  
Commissioner  
Department of Citywide Administrative Services

2014 (Updated via latest addendum-2019)

**Addendum to  
Equal Employment Opportunity Policy  
Standards and Procedures To be Utilized by City Agencies  
City of New York (2014)**

**The Equal Employment Opportunity Policy is hereby amended to include the protected class of “Sexual and Reproductive Health Decisions.” This addendum supersedes and incorporates prior addenda which added “caregiver status,” “consumer credit history,” “familial status,” “sexual harassment,” and “salary history” as protected classes. With the six additional categories (highlighted below), Section I of the Equal Employment Opportunity Policy, page 2, reads as follows:**

The City of New York is an equal opportunity employer and prohibits discriminatory employment actions against and treatment of City employees and applicants for employment based on actual or perceived race, color, national origin, alienage or citizenship status, religion or creed, gender (including **sexual harassment**,<sup>1</sup> pregnancy and “gender identity” -- which refers to a person’s actual or perceived sex, and includes self-image, appearance, behavior or expression, whether or not different from that traditionally associated with the legal sex assigned to the person at birth), disability, age (18 and over), military status, prior record of arrest or conviction, marital status, partnership status, **caregiver status**,<sup>2</sup> genetic information or predisposing genetic characteristic, sexual orientation, status as a victim or witness of domestic violence, sex offenses or stalking, unemployment status, **consumer credit history**,<sup>3</sup> **familial status**<sup>4</sup> **salary history**<sup>5</sup>, and **sexual and reproductive health decisions**.<sup>6</sup>

**September 6, 2019**

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<sup>1</sup> Sexual harassment, a form of gender-based discrimination, is unwelcome verbal or physical behavior based on a person’s gender and is prohibited under federal, state and the New York City Human Rights Law. On May 8, 2018, Mayor Bill DeBlasio signed the “Stop Sexual Harassment in NYC Act,” a comprehensive legislative package aimed at addressing and preventing sexual harassment in the workplace.

<sup>2</sup> The protected class of “caregiver status” was added to the New York City Human Rights Law on January 5, 2016, and took effect on May 4, 2016. A caregiver is defined as a person who provides direct and ongoing care for a minor child (under the age of 18) or a care recipient. A “care recipient” is defined as a person with a disability who is either a covered relative, or a person who resides in the caregiver’s household and who relies on the caregiver for medical care or to meet the needs of daily living. A covered relative is defined as a caregiver’s child, spouse, domestic partner, parent, sibling, grandchild or grandparent, or the child or parent of the caregiver’s spouse or domestic partner, or any other individual in a familial relationship with the caregiver as designated by the rules of the New York City Commission on Human Rights.

<sup>3</sup> “Consumer credit history” was added as a protected class to the New York City Human Rights Law on May 6, 2015, and went into effect on September 3, 2015. It is a discriminatory practice, except for specified positions such as police officers and peace officers, to request or use consumer credit history for employment purposes or to discriminate against an applicant or employee based on credit history. The New York City Commission on Human Rights has issued interpretative guidance (available on its website) on this law.

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<sup>4</sup> “Familial status” was added as a protected class for employment purposes to the New York State Human Rights Law on October 21, 2015, and went into effect on January 19, 2016. “Familial status” is defined as (a) any person who is pregnant, or has a child or is in the process of securing legal custody of any individual who has not attained eighteen years of age, or (b) one or more individuals (who have not attained eighteen years of age) being domiciled with (1) a parent or another person having legal custody of such individual or individuals, or (2) the designee of such parent.

<sup>5</sup> “Salary History” was added as a protected class in employment to the New York City Human Rights Law on May 4, 2017, and went into effect on October 31, 2017. “Salary history” includes the applicant’s current or prior wage, benefits or other compensation. “Salary history” does not include any objective measure of the applicant’s productivity such as revenue, sales or other production reports. This prohibition does not apply to certain applicants or employees, including applicants for internal transfer or promotion and public employee positions for which salary, benefits or other compensation are determined pursuant to procedures established by collective bargaining.

<sup>6</sup> “Sexual and reproductive health decisions” was added as a protected class by amendment to the New York City Human Rights Law on January 20, 2019, and took effect on May 20, 2019. The Administrative Code of the City of New York was also amended at that time to add a new definition of “sexual and reproductive health decisions.” The term “sexual and reproductive health decisions” means any decision by an individual to receive services which are arranged for or offered or provided to individuals relating to sexual and reproductive health, including the reproductive system and its functions. Such services include, but are not limited to, fertility-related medical procedures, sexually transmitted disease prevention, testing, treatment, and family planning services and counseling, such as birth control drugs and supplies, emergency contraception, sterilization procedures, pregnancy testing, and abortion.



**NEW YORK CITY  
EQUAL EMPLOYMENT OPPORTUNITY POLICY**

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# NEW YORK CITY EQUAL EMPLOYMENT OPPORTUNITY POLICY (2014)

## Introduction

The New York City Charter provides that each agency head must ensure that his or her agency does not discriminate against employees or applicants for employment in any manner prohibited by federal, state, and local law.<sup>1</sup> In addition, the Charter requires agency heads to establish measures, programs, and annual EEO Plans that communicate each agency's efforts to provide equal employment opportunity ("EEO") to City employees and applicants for employment within City government.<sup>2</sup> The Department of Citywide Administrative Services ("DCAS") is required to establish uniform procedures and standards to assist City agencies in establishing annual EEO Plans, and other measures and programs to ensure equal employment opportunity.<sup>3</sup> DCAS developed this Policy,<sup>4</sup> and the standards and procedures contained herein, to implement DCAS' and the City's obligations under the City Charter; federal, state, and local laws; and the City's diversity and inclusion strategy.

The *Equal Employment Opportunity Policy (2014)*, hereafter known as "Policy," supersedes the previous *Equal Employment Opportunity Policy (2005)* of the City of New York. Detailed uniform complaint and reasonable accommodation procedures are published separately. This Policy, any addenda to this Policy, and the EEO Policy Handbook are to be distributed to each agency head, EEO Officer,<sup>5</sup> General Counsel, Agency Personnel Officer (APO), manager, and supervisor.

In addition to the Policy, DCAS updated the EEO Policy Handbook, "*About EEO: What You May Not Know*."<sup>6</sup> The EEO Policy Handbook was created to provide City government employees with a user-friendly summary of the relevant laws and the Policy.

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<sup>1</sup> See Charter Section 815(h).

<sup>2</sup> See Charter Section 815(a)(19).

<sup>3</sup> See Charter Section 814(a)(12).

<sup>4</sup> This Policy was drafted in consultation with the Equal Employment Practices Commission, the New York City Law Department and EEO Officers from various City agencies.

<sup>5</sup> Each agency head appoints an EEO Officer to assist with the implementation of the Policy, standards, and procedures. The agency EEO Officer and other personnel, including EEO counselors, investigators, liaisons, etc., are referred to in this Policy as 'EEO office or EEO representatives.'

<sup>6</sup> The Policy may be downloaded at <http://www.nyc.gov/html/dcas/html/about/ecopol>. The EEO Policy Handbook, "*About EEO: What You May Not Know*," may be downloaded at [http://www.nyc.gov/html/dcas/html/about/eo\\_booklet.shtml](http://www.nyc.gov/html/dcas/html/about/eo_booklet.shtml).

## I. Equal Employment Opportunity Policy

The City of New York is an equal opportunity employer and prohibits discriminatory employment actions against, and treatment of, City employees and applicants for employment based on actual or perceived race, color, national origin, alienage or citizenship status, religion or creed, gender (including “gender identity” -- which refers to a person’s actual or perceived sex, and includes self-image, appearance, behavior or expression, whether or not different from that traditionally associated with the legal sex assigned to the person at birth), disability, age (18 and over), military status, prior record of arrest or conviction,<sup>7</sup> marital status, partnership status,<sup>8</sup> genetic information or predisposing genetic characteristic,<sup>9</sup> sexual orientation, status as a victim or witness of domestic violence, sex offenses or stalking,<sup>10</sup> and unemployment status.<sup>11</sup>

### A. Types of Prohibited Conduct<sup>12</sup>

Decisions and practices based on an individual’s protected status (e.g., race, religion, age, and the other categories listed above) that unlawfully affect employment or the compensation, terms, conditions, or privileges of an individual’s employment or potential employment with the City of New York are prohibited by this Policy. This includes unlawful decisions, actions, and practices that occur in the course of recruitment, testing, hiring, work assignments, salary and benefits, working conditions, performance evaluations, promotions, training opportunities, career development and advancement, transfers, discipline, discharge, or any other application or selection process relating to employment.

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<sup>7</sup> Some employment actions motivated by the reasons listed are permitted by law, such as where an employer may deny employment on the basis of an applicant’s prior record of conviction, if there is a direct relationship between one or more of the applicant’s criminal offenses and the specific employment sought, or where employing the applicant poses an unreasonable risk to property or to the safety or welfare of specific individuals or the general public. (*See* Correction Law, Art. 23-A, Section 752.)

<sup>8</sup> “Partnership status” was added as a protected class under New York City’s Human Rights Law on October 3, 2005.

<sup>9</sup> The term “predisposing genetic characteristic” was adopted on August 30, 2005 to streamline the terms “genetic predisposition” and “carrier status” in the previous version of the New York State Human Rights Law.

<sup>10</sup> “Status as victim of sex offenses or stalking” was added as a protected class under the City Human Rights Law on December 22, 2003.

<sup>11</sup> “Unemployment status” was added as a protected class under New York City’s Human Rights Law on June 11, 2013.

<sup>12</sup> See also, EEO Policy Handbook: *“About EEO: What you May Not Know,”* for more examples of prohibited conduct.

The Policy also prohibits sexual harassment (i.e., conduct or language of a sexual nature) and harassment based on gender or any other protected characteristic (such as race, religion, disability, or sexual orientation). Forms of harassment may include, but are not limited to, the use of vulgar language, abusive acts or language, hostility, physical aggression, intimidation, or unequal treatment.

The Policy prohibits conduct which unreasonably interferes with an employee's job performance or creates an intimidating, hostile, or offensive working environment, or creates an abusive working environment based on any protected characteristic.

Harassment and/or retaliation against a person who opposes or complains about prohibited conduct or participates in any way in the complaint, investigation, or reasonable accommodation processes are strictly prohibited.

The Policy also prohibits the denial of reasonable accommodations for disabilities; pregnancy, childbirth, and related medical conditions; religious beliefs, observances, and practices; or for victims of domestic violence, sex offenses, or stalking that do not create an undue hardship.

Some offensive acts or remarks may violate this Policy even if they are not so severe that they violate federal, state, or local discrimination laws. The City and its agencies may discipline conduct that violates this Policy even if the conduct does not violate a law prohibiting discrimination.

The Policy also prohibits any City employee from aiding, abetting, inciting, compelling, or coercing any person present in a City facility, whether or not that person is an employee of the City, from engaging in any conduct prohibited by this Policy, including, but not limited to, conduct that creates a hostile work environment based on any protected characteristic.

## B. Applicability

Everyone who works within New York City government or its workplaces, or who seeks employment within City government, is covered by federal, state, and local employment laws, and this Policy. This includes all current employees, managers (including executives and senior level staff members), supervisors, co-workers, paid and unpaid interns,<sup>13</sup> and job applicants.

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<sup>13</sup> The prohibition of discrimination against interns was added in the New York City's Human Rights Law on April 15, 2014.

This Policy not only protects individuals from prohibited conduct because of their own protected status (such as their own actual or perceived race, religion, national origin, or disability), but also protects individuals from conduct motivated by the actual or perceived race, religion, national origin, or disability, etc., of other persons with whom they are associated. For example, this Policy applies to individuals who are subjected to adverse actions because of their marriage to, or domestic partnership or association with, persons of a particular racial, religious, or national origin group, or persons who have a disability. Moreover, discrimination based on an individual's name(s) or spouse's or domestic partner's name(s) that is associated with a particular racial, religious, or national origin group is prohibited.

These protections apply to actions, whether or not intentionally offensive or directed at a particular person or group, which violate this Policy.

This Policy extends to conduct which occurs at any location that could be reasonably regarded as an extension of the workplace, such as any field location, off-site business-related social function, City vehicle, or facility where City government business is being conducted and discussed.

In addition, Work Experience Program ("WEP") participants have a right to a workplace that is free of discrimination, including harassment based on race, color, national origin, religion, gender, disability, or age, and any basis that could otherwise be determined to be prohibited behavior pursuant to the Policy as applied to employees or applicants for employment.

All City employees, interns, and WEP participants are expected to be respectful of everyone in the City's workplaces and members of the public, and to be sensitive to the effects of their behavior on those around them. All employees, interns, and WEP participants must be trained in the requirements of this Policy and must receive a copy of the EEO Policy Handbook, *"About EEO: What You May Not Know."*

## **II. Specific Protections**

The following sections are provided to enable individuals to understand the unique definitions, issues, rights, and responsibilities under this Policy pertaining to sexual harassment and discrimination based on disability, religion, retaliation, and status as a victim of domestic violence, sex offenses, or stalking.

## A. Sexual Harassment

Sexual harassment is a form of employment discrimination which is prohibited by law. The federal government created guidelines which define sexual harassment as “unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature . . . when: 1) submission to the conduct is made either explicitly or implicitly a term or condition of an individual's employment; 2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or 3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.”<sup>14</sup>

Sexual harassment may involve individuals of the same or different gender(s). A broad range of behavior may be considered sexual harassment, including sexually suggestive remarks, pictures or gestures, verbal abuse or harassment of a sexual nature, subtle or direct propositions for sexual favors, and any unnecessary touching, patting, or pinching.

## B. Disabilities

Discrimination against a person based on that person's actual or perceived disability, record of disability, or relationship with a person with a disability will not be tolerated by the City of New York. For the purpose of this Policy, a disability is: 1) a physical, medical, mental, or psychological impairment; 2) a history or record of such impairment; or 3) being regarded as having such impairment.

The City of New York and its agencies will take appropriate action to provide reasonable accommodations to qualified employees and job applicants with disabilities, unless providing such accommodations creates an undue hardship. Reasonable accommodations include the provision of equipment, changes in workplace policies and practices, and other forms of assistance that allow people with disabilities to apply for a position, perform their jobs, or enjoy equal benefits and privileges of employment as are enjoyed by other similarly situated employees without disabilities.

Whether an accommodation is reasonable will depend upon the circumstances of the particular request. Some examples of accommodations that may be reasonable include: making facilities physically accessible to, and usable by, persons with disabilities; job restructuring; modifying work schedules; providing or modifying equipment or devices; providing qualified readers, interpreters, auxiliary aids, and/or other support services; and providing leave and/or arranging for transfer or reassignment to a vacant position, if such transfer or reassignment does not violate

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<sup>14</sup> Code of Federal Regulations, Title 29, Section 1604.11.

the Civil Service Law, Personnel Rules and Regulations, other applicable laws, or regulations and/or collective bargaining agreements.

Undue hardship may exist when an accommodation is significantly difficult, unduly costly, extensive, substantial, disruptive, or would change the nature or operation of an agency's business.

The City of New York encourages employment of and promotional opportunities for qualified persons with disabilities. For example, pursuant to Section 55-a of the New York State Civil Service Law, where agency needs and availability permit, the City encourages agencies to utilize the 55-a Program, which will allow City agencies to employ qualified persons who have been certified as disabled in competitive positions on a non-competitive basis. Individuals who wish to apply for the 55-a Program are encouraged to seek assistance from the Agency Personnel Officer or 55-a Coordinator.

#### C. Religion

The Policy prohibits adverse employment actions based on a person's religion. This includes discriminatory practices and decisions, harassment, hostility, or other adverse actions because of a person's actual or perceived creed, religious affiliation, religious beliefs, observances, or practices.

In addition, depending on the circumstances, agencies must try to reasonably accommodate the religious observances, beliefs, or practices of an employee or job applicant, unless the accommodation creates an undue hardship. A reasonable accommodation for religion may be a change in a workplace rule or practice that allows an individual to respect his or her religious observances, beliefs, or practices. City agencies may be required to provide accommodations for religion such as flexible arrival and departure times, and/or leave; voluntary exchanges of shifts or assignments; time and/or place to pray; accommodations relating to appearance and dress; and modifying workplace practices, policies, and/or procedures.

City agencies are not required to provide accommodations that are too costly or difficult to provide, that would be disruptive, or would interfere with job performance.

#### D. Retaliation

It is a violation of the Policy to retaliate against or harass any person who asserts his or her rights regarding employment discrimination by: 1) opposing discriminatory practices in the workplace; 2) complaining about prohibited conduct;



or 3) participating in any way in the complaint, investigation, or reasonable accommodation processes. It is also a violation of this Policy to retaliate against or harass someone because of his or her association with such an individual.

Behaviors which may be considered retaliatory include, but are not limited to: threats, reprimands, negative evaluations, harassment, refusal to hire, denial of promotion or job benefits, demotion, suspension, discharge, negative references to prospective employers, or other actions affecting the terms, conditions, or privileges of employment.

Examples of behavior that are protected against retaliation under this Policy include, but are not limited to: expressing an intent to file a charge or complaint alleging prohibited conduct; participating as a witness in an EEO investigation, administrative proceeding, hearing, or trial; and/or seeking a reasonable accommodation.

#### E. Domestic Violence, Sex Offenses, or Stalking

The New York City Human Rights Law prohibits employment discrimination against persons who are victims of domestic violence, or victims of sex offenses or stalking, as defined by that law and the New York State Penal Law. Agencies shall provide reasonable accommodations that do not create undue hardship and that enable such persons to satisfy the essential requisites of a job, provided that the status as a victim of domestic violence or victim of sex offenses or stalking is known, or should have been known, by the agency.

### **III. Procedures**

#### A. Reporting Violations

Anyone who believes that he or she has been subjected to any action, decision, or harassment in violation of this Policy, or who witnesses others being subjected to improper conduct, is urged to promptly report the incident(s) to his or her supervisor or manager; to agency personnel supervising the application, testing, and interviewing process; or directly to the EEO office at the agency where the violation actually occurred, or which is the employer of the individual who purportedly committed the complained of act(s). Supervisors, managers, or human resources personnel who receive EEO complaints, or otherwise become aware of any improper discrimination, must notify the agency EEO Officer. Supervisors and managers should also encourage individuals who believe that the Policy has been violated to consult with the EEO office.

An individual who believes that this Policy has been violated may report the incident orally or in writing. Where the report is taken orally, the manager, supervisor, or EEO representative shall document the report. The EEO office will assist any individual in determining whether the conduct or decision reported is appropriate for the complaint process. Where an individual chooses to file an internal complaint with the agency EEO office, that complaint must be filed within one year of the event which is the subject of the complaint.

Persons who wish to discuss a possible violation of this Policy without revealing their identity may do so by telephoning or writing the EEO office. In such cases, the EEO office will provide counseling and take such follow-up action as may be appropriate and possible, given the restraints of anonymity.

If any employee knowingly makes a false accusation of discrimination or knowingly provides false information in the course of an investigation of a complaint, such conduct may be grounds for discipline. A complaint made in good faith, even if found to be unsubstantiated, will not be considered a false accusation.

#### B. Contact with the EEO Office

An employee has a right to meet privately with an EEO representative. Such a meeting may take place either during or outside of office hours. If an employee makes a request to meet with an EEO representative during office hours, the employee should obtain approval from a manager or supervisor in order to leave his or her work assignment. An employee need not disclose the purpose for or details of the meeting with an EEO representative. Reasonable leave requests to meet with an EEO representative during work hours cannot be denied by managers or supervisors. Managers and supervisors shall allow employees to meet with EEO representatives at the earliest practicable time consistent with the operational needs of their units. Where an agency has more than one EEO representative, an employee is not required to meet with an EEO representative who works in the employee's division.

At the employee's request, arrangements may also be made to hold the meeting before or after office hours, or during the employee's lunch period. Should such a meeting take place entirely on the employee's own time, he or she need not advise a manager or supervisor of the meeting, or obtain the consent or approval of a manager or supervisor. The EEO representative will arrange to meet with an employee at outside premises where appropriate and/or necessary in order to ensure confidentiality. If necessary, EEO representatives will make arrangements for sign language interpreters and other forms of effective communication with persons with disabilities.

The EEO representative will discuss and research appropriate options, including actions an individual could take on his or her own behalf, referrals to other offices and/or agencies, mediation, investigation, and/or interim relief. The EEO representative may also facilitate any further discussions with other agency personnel.

In appropriate cases, an EEO investigation may be conducted in conjunction with or by an agency's General Counsel's office, Inspector General, or disciplinary officer. In addition, there may be exceptional circumstances under which an investigation may be conducted by another individual or entity, as deemed appropriate by the Law Department or DCAS.

Any person who is interviewed during the course of an EEO investigation has a right to be accompanied by a representative of his or her choice. This includes individuals who make complaints, persons against whom complaints were made, or witnesses. It is preferable that the EEO office receive advance notice that the person who is being interviewed will be bringing a representative.

Any person who is the subject of the complaint will have an opportunity to respond in writing.

All employees are expected to cooperate with EEO investigations. Failure to cooperate in an investigation may result in disciplinary action.

#### C. Withdrawing Complaints

A complaint of discrimination may be withdrawn at any time by the person who filed the complaint. Withdrawal of a complaint must be made or confirmed in writing. In some instances, the agency EEO Officer will find it appropriate to end the investigation when the complaint is withdrawn. Prior to ending the investigation, the EEO Officer must determine whether the agency should take corrective action to address inappropriate conduct. If the EEO Officer determines that corrective action is required, it may be necessary for the EEO Officer to continue the investigation or recommend action to remedy inappropriate behavior.

#### D. Mediation

Mediation is a voluntary, informal, and confidential process that provides an opportunity for everyone involved in a complaint to come to a mutual agreement about how the complaint should be resolved. It is an alternative that may quickly resolve complaints without a full investigation.

All requests for mediation should be made to the EEO Officer. Mediation may be requested by any party involved and may be declined by any party.

The EEO Officer will determine whether the complaint is appropriate for mediation. The EEO Officer may choose to conduct the mediation internally within the agency, or externally through entities that provide mediation services.

Mediation may be terminated by any party to the mediation. If this occurs, the EEO Officer will inform the other party or parties in writing that the mediation has been terminated. In the event that mediation does not result in a resolution, the EEO Officer will provide the parties with a written statement informing the parties of the complainant's right to an investigation of the allegation. Where efforts to mediate complaints are unsuccessful, complaints will be investigated by the EEO office.

#### E. Concluding the Complaint Investigation

The EEO Officer will submit a confidential report of the complaint investigation to the agency head at the conclusion of the investigation. If the EEO Officer concludes that a violation of this Policy has occurred, the EEO Officer will recommend appropriate corrective action. The agency head will review the EEO Officer's report and promptly issue a determination adopting, rejecting or modifying the recommended action. Such determination shall be in writing and may be issued electronically. The EEO Officer will advise all parties in writing of the outcome of a complaint.

Any person found to have engaged in conduct or practices in violation of this Policy may be subject to discipline which may include a reprimand, suspension, probation, demotion, transfer, termination, or any other measures permitted by law and/or collective bargaining agreements. In addition to implementing such disciplinary action, agencies may take such steps as may be necessary to address the impact that any violation of this Policy has had on the complainant or within the agency.

#### F. Other Places Where Complaints May Be Filed

The following federal, state, and local agencies enforce laws against discrimination:

- New York City Commission on Human Rights:  
<http://www.nyc.gov/html/cchr/html/home/home.shtml>
- New York State Division of Human Rights: <http://www.dhr.ny.gov/>

- United States Equal Employment Opportunity Commission (the “EEOC”): <http://www.eeoc.gov>
- United States Department of Justice: <http://www.justice.gov/>

Information about how to contact these agencies can be found in the EEO Policy Handbook, “*About EEO: What You May Not Know*,” at [http://www.nyc.gov/html/dcas/html/about/eeo\\_booklet.shtml](http://www.nyc.gov/html/dcas/html/about/eeo_booklet.shtml), the DCAS website at <http://www.nyc.gov/html/dcas/html/about/eeo.shtml>, or the Office of Citywide Diversity and EEO at 1 Centre Street, 17<sup>th</sup> Floor North, New York, NY 10007, (212) 386-0257. Please note that there are statutory deadlines for filing complaints with each of these agencies.<sup>15</sup>

When a person exercises his or her right to file a complaint with a federal, state, or local administrative agency (known as an “external complaint”) based on or related to the same facts and circumstances of an internal complaint, the agency EEO Officer will transfer the matter to the agency General Counsel, who will be responsible for any further handling of the matter. The EEO Officer will notify the complainant and the parties who are the subject of the complaint, in writing, that the investigation by the EEO Officer has been transferred because of the filing of the external complaint. The agency General Counsel will be responsible for handling external complaints regardless of the timing of such complaints (whether filed before the internal complaint is filed, at the same time that the internal claim was filed, or after the internal complaint was filed). After transfer of the complaint to the agency General Counsel, the EEO Officer will cooperate with the General Counsel with respect to the ultimate resolution of the complaint.

#### G. Requests for Reasonable Accommodations

City agencies may be required to provide reasonable accommodations when requests are made in connection with disabilities; pregnancy, childbirth, and related medical conditions; religious beliefs, observances, and practices; or for victims of domestic violence, sex offenses, or stalking. The reasonable accommodation process should be flexible and interactive, involving agency representatives who are necessary to the reasonable accommodation process and the individual who is requesting a reasonable accommodation. In all instances, the agency EEO office should be notified of the request in order to facilitate discussions, research appropriate accommodations, and assist in the resolution of the matter.

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<sup>15</sup> The deadline in some instances is as short as 180 days. Therefore, to preserve their rights, individuals who believe that they have been discriminated against and wish to file a complaint with an external agency should promptly contact the City Commission on Human Rights, the State Division of Human Rights, the EEOC, the Department of Justice, or a private attorney for further guidance.

EEO representatives, agency personnel supervising any phase of the application process, and/or managers and supervisors involved in the process shall notify individuals who request reasonable accommodations whether the request has been granted. Where the specific accommodation requested is impracticable, agency representatives will seek to implement an appropriate alternative reasonable accommodation. The following procedures detail the specific aspects of each type of request.

1) Disabilities: An employee or job applicant with a disability who requests reasonable accommodations to enable him or her to satisfy the essential functions of the job or enjoy the rights in question may make such requests to his or her manager or supervisor, agency personnel supervising the application process, or directly to the agency EEO Officer or Disabilities Rights Coordinator.<sup>16</sup> A request for a reasonable accommodation may be made orally or in writing. Where the request is made orally, it shall be documented by that person who receives the request.

EEO Officers and/or Disabilities Rights Coordinators, agency personnel supervising the application process, and managers and supervisors involved in the process shall provide reasonable assistance (such as help in completing forms) to an individual requesting an accommodation. Additionally, if a reasonable accommodation is requested to facilitate an individual's ability to apply for employment, the agency staff supervising the application procedures may be required to assist the applicant in completing the application process.

By law, all documentation and information concerning the medical condition or history of an individual requesting a reasonable accommodation for a disability must be collected and maintained on separate forms, and in separate medical files, apart from other personnel data. Such information must be treated as confidential medical records, except that managers and supervisors may be informed of necessary restrictions on work and accommodations required. Furthermore, medical information may be provided: 1) to first-aid and safety personnel, if the disability might require emergency treatment; 2) to government officials investigating the agency's compliance with applicable laws; 3) to workers' compensation offices in accordance with Workers' Compensation Law; and 4) for insurance purposes.

2) Religious Accommodations: An employee or applicant requesting reasonable accommodations for religion may make such requests to his or her manager or supervisor, agency personnel supervising the application process, or directly to the agency EEO Officer. Requests for religious accommodation should be documented by the individual receiving the request.

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<sup>16</sup> A Disability Rights Coordinator is responsible for ensuring compliance with federal, state, and local laws and the Policy regarding people with disabilities.

3) Victim of Domestic Violence, Sex Offenses, or Stalking: An employee or applicant requesting reasonable accommodations for domestic violence, sex offenses or stalking may make such requests to his or her manager or supervisor, agency personnel supervising the application process, or directly to the agency EEO Officer.

Agencies may require a person requesting a reasonable accommodation to provide certification that the person is a victim of domestic violence, sex offenses, or stalking. The person requesting the reasonable accommodation shall provide a copy of such certification to the agency within a reasonable period after the request is made. A person may satisfy the certification requirement by providing documentation from an employee, agent, or volunteer of a victim services organization, an attorney, a member of the clergy, or a medical or other professional service provider from whom the individual seeking a reasonable accommodation, or that individual's family or household member, has sought assistance in addressing domestic violence, sex offenses, or stalking and the effects of the violence or stalking; a police or court record; or other information consistent with the disclosure and the request for accommodation.

4) Pregnancy:<sup>17</sup> An employee or job applicant requesting reasonable accommodations due to pregnancy and those who suffer medical conditions related to pregnancy, childbirth, or a related medical condition may make such requests to her manager or supervisor, agency personnel supervising the application process, or directly to the agency EEO Officer or Disability Rights Coordinator. Such a reasonable accommodation may include bathroom breaks; leave for a period of disability arising from pregnancy, childbirth, or related medical conditions; breaks to facilitate increased water intake; periodic rest for those who stand for long periods of time; and assistance with manual labor, among other things.

All information, including a statement of the person requesting a reasonable accommodation or any other documentation, record, and the fact that the individual has requested or obtained a reasonable accommodation, shall be retained in the strictest confidence by City agencies, except to the extent that disclosure is requested or consented to in writing by the person requesting the reasonable accommodation, or is otherwise required by applicable federal, state, or local law.

Where an employee or job applicant has requested a reasonable accommodation consistent with these procedures and the agency representative has not provided the reasonable accommodation, an appeal may be made to the agency head. Within 10 business days of receipt of an appeal, the agency head, or his or her designee, shall:

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<sup>17</sup> The City's Human Rights Law was amended to include reasonable accommodations related to pregnancy, childbirth or related medical conditions effective January 30, 2014.

1. obtain the request for reasonable accommodation made by the employee or applicant and review all related documentation, standards, procedures, and potential accommodations;
2. meet and/or consult with the employee or applicant, the EEO Officer, and any agency representative that the agency head deems necessary to the reasonable accommodation request;
3. evaluate the reasonableness of employee's or applicant's and agency representative's preferences regarding the accommodation request, giving primary consideration to the employee's or applicant's preferences; and
4. consult with the DCAS Office of Citywide Diversity and EEO or the Law Department.

Within 15 business days of receipt of the appeal, the agency head or his\her designee, shall issue a written determination on the request for reasonable accommodation, specifying what accommodation shall be provided, if any, and, where necessary, directing the appropriate agency representative to implement such accommodation promptly. The EEO Officer or Disability Rights Coordinator shall monitor implementation of the reasonable accommodation.

#### G. Confidentiality

All complaints, investigations, requests for accommodations, and records will be handled, to the extent possible, in a manner that will protect the privacy interests of those involved. EEO matters may be discussed with other persons who may have information about a complaint or who are necessary to implement reasonable accommodations for disability, religion, status as victims of domestic violence, sex offenses or stalking, and pregnancy, childbirth, or a related medical condition. Therefore, it may be necessary to disclose information to persons with a legitimate need to know about the matter.

#### H. Documentation

All inquiries, complaints, requests, mediation efforts, investigations, requests for accommodation, and their outcomes will be documented by the EEO office.



## J. Additional Sources of Procedural Information

The Guidelines for the Implementation of the City's Discrimination Complaint Procedures may be found online:

[http://www.nyc.gov/html/dcas/downloads/pdf/misc/eo\\_discriminationcomplaint\\_procedures.pdf](http://www.nyc.gov/html/dcas/downloads/pdf/misc/eo_discriminationcomplaint_procedures.pdf)

The City's Reasonable Accommodation Policy and Procedure may be found online:

[http://www.nyc.gov/html/dcas/downloads/pdf/misc/eo\\_reasonableaccommodation.pdf](http://www.nyc.gov/html/dcas/downloads/pdf/misc/eo_reasonableaccommodation.pdf)

## IV. Agency-Specific Diversity and EEO Plans

Agency heads are required by the New York City Charter to annually prepare, adopt, and implement a plan to provide equal employment opportunity. The plan must be prepared based on uniform procedures and standards provided by DCAS. DCAS will work with agency heads to help them develop realistic and achievable objectives.

Each agency head or, at his or her direction, the agency EEO Officer and/or APO, should review agency statistical information (including total employment and new hires and promotions, by race/ethnicity, and gender), EEO complaints made during the previous fiscal year and the agency's employment practices, policies, and programs. The agency head should then work with the EEO Officer, General Counsel and APO to identify: 1) whether there are any barriers to equal opportunity within the agency; 2) the agency's obligations as a result of government grants and/or contracts; and 3) what, if any, corrective actions are required under court decrees and/or governmental audits. Agencies may wish to seek the advice of the Law Department or consult with the DCAS Office of Citywide Diversity and EEO regarding the development of agency Diversity and EEO Plans.

The Diversity and EEO Plan should communicate the agency's intention to promote equal employment opportunity and diversity and inclusion by continuing effective measures or implementing new strategies and programs (i.e., preventive, corrective and risk management strategies in areas such as recruitment, training, selection, promotion, and policy dissemination standards) that prevent, diminish, or eliminate barriers to equal opportunity employment. DCAS will provide agencies with formats and recommendations for Diversity and EEO Plan development that are consistent with employment practices recommended by human resources management organizations and enforcement entities.

Although each agency's Diversity and EEO Plan will be tailored to the specific issues of that agency, there are some general measures that all agencies are required to implement. Each agency's Diversity and EEO Plan must, at a minimum, include the following:

- A commitment to ensure fair employment practices, and promote a workplace that values its employees in support of the City's diversity and inclusion strategy. The commitment will hold EEO Officers and representatives, human resources professionals, managers and supervisors accountable for ensuring that the agency does not discriminate against employees or applicants for employment and support the diversity and inclusion initiatives at the agency. This commitment should be reflected in the agency strategic plan, mission, vision, and performance metrics. It should also include the agency's strategy to ensure equal employment opportunity and to implement the best diversity and inclusion practices at the agency. The commitment should also be communicated to all employees through a Commitment Statement to affirm the principles of equal employment opportunity and diversity and inclusion.
- A commitment to assess recruitment efforts to determine whether such efforts adversely impact any particular group and what recruitment sources yield a diverse pool of qualified candidates. It should also include the agency's strategy to implement the best diversity and inclusion recruitment practices to ensure equal employment opportunity. Minimally, agencies should identify relevant professional and community organizations serving women and minorities throughout the City, review and update listings of recruitment outreach sources, and contact such organizations when positions not filled through civil service lists become available or where agencies may otherwise use discretion in hiring.
- A commitment to assess agency job postings to ensure appropriate diversity, inclusion, and equal opportunity employer messaging.
- A commitment to assess the manner in which candidates are selected for employment, to determine whether there is any adverse impact upon any particular racial, ethnic, disability, or gender group. To the extent that adverse impact is discovered, the agency head will determine whether the criteria being utilized are job-related. If the criteria are not job-related, the agency will discontinue using that method. Methods which diminish adverse impact will be preferred over those with greater impact, provided that the agency's job-related aims are not compromised by using the method with a diminished impact. Examples of selection methods which may diminish adverse impact include race/ethnicity-neutral and gender-neutral questions in interview materials and assembling interview panels that reflect gender, race and ethnic diversity. The agency will also ensure that, to the extent practicable, agency

personnel involved in both the discretionary and the civil service hiring pool process receive structured interviewing training and use structured interviewing in the selection process.

- A commitment to assess criteria for selecting persons for mid-level to high-level discretionary positions.
- A commitment to make career counseling about civil service jobs available for employees. Employees should be reminded of the identity of the agency's Career Counselor and the type of guidance which is available from the Career Counselor, at least once each fiscal year. Each agency should promptly notify agency employees and DCAS of any change in the identity of the agency Career Counselor.
- A commitment to ensure that all new employees are advised of this Policy, their rights and responsibilities under it, the discrimination complaint and investigation procedures, and the reasonable accommodation procedures.
- A commitment to establish a diversity, inclusion, and EEO training plan to ensure that all individuals who work within the agency, including managers and supervisors, are trained concerning diversity, inclusion, and EEO-related rights and responsibilities in a manner consistent with the minimum standards for diversity, inclusion and EEO training established by DCAS.
- A commitment to review on a regular basis and retain information about personnel actions, discretionary hiring, applicants, promotions, demotions, transfers, rates of pay, terms of compensation, and selection for training or apprenticeship as required by federal, state, and local law, and/or the City's official records retention schedule.
- A plan to meet obligations or remedies required or recommended as a result of government grants or contracts, court orders, consent decrees, or any audit/review conducted by a governmental agency.

Other measures which may be used to ensure fair employment practices include, for example:

- Advertising job vacancy notices in periodicals and websites with a diverse and inclusive readership.
- Sending job vacancy notices to professional and community organizations serving diverse and inclusive populations.

- Participating in career and job fairs.
- Whenever possible, promoting public service as a career choice at schools, colleges and universities.
- Using internships, work/study, co-op, and scholarship programs to attract interested persons and to develop and hire interested and qualified candidates.
- Sponsoring open houses (i.e., networking events, facilities tours).
- Working with appropriate DCAS personnel to review the competencies, skills and abilities required (as presented in job vacancy notices and notices of examination) for available positions to ensure that these standards are updated, job-related, and required by business necessity.
- Reviewing application forms and agency materials and products in order to ensure that they do not contain discriminatory language or images.
- Ensuring that human resources personnel, managers, supervisors, and other personnel involved in the recruitment and hiring process are trained in interviewing, selection, hiring skills, and EEO, to enable such individuals to correctly identify the most capable candidates.
- Implementing and encouraging inclusive skills and behavior standards for managers to ensure that they are able to maximize their professionalism, performance and communication skills.
- Conducting or encouraging the use of training and development programs to improve skills, performance, and career opportunities of all employees.
- Creating talent pools through employee surveys and databases, to promote cross-training, mentoring, coaching, stretch assignments, cross divisional assignments, job transfers, and rotation programs for career enhancement and development experiences.
- Planning and administering employee incentives, quality of work life and recognition programs, engagement surveys, performance evaluations, employee resource groups, and diversity councils.
- Promoting employees' awareness of opportunities for promotion and transfer within the agency, publicizing promotions and changes in the managerial ranks, and ensuring that the agency engage in succession planning for top managerial

positions. The agency considers its own employees for such opportunities by having programs that identify ready now and high potential talents.

The City of New York, through DCAS, will also:

- Provide the uniform procedures, formats, and reports required by the New York City Charter to facilitate the planning and review of the City's efforts to provide equal employment opportunity for employees and applicants for City government employment.
- Assess qualifications required for most civil service positions and ensure that civil service examinations are job-related and consistent with business necessity.
- Provide assistance to agencies to ensure that recruitment efforts fit particular human resource needs.
- Encourage agency job postings internally through City Jobs and externally through the City's website: <http://www1.nyc.gov/jobs/>
- Continue to conduct on-site EEO monitoring visits to agencies.
- Continue efforts to better ensure the accuracy of ethnicity and gender data.

## **V. Enforcement and Accountability Standards**

### **A. Department of Citywide Administrative Services**

DCAS is required to: 1) establish and enforce uniform procedures and standards for use by City agencies in establishing measures, programs, and plans to ensure equal employment opportunity, including a time schedule for the development, review and adoption of EEO plans; 2) establish a uniform format for use by City agencies for the presentation of statistical information on the workforce of City agencies; and 3) develop resources regarding information on employment and educational programs.<sup>18</sup> DCAS is also required to publish and submit annual reports on the activities of DCAS and the other City agencies with respect to equal employment opportunity.<sup>19</sup>

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<sup>18</sup> See Charter Sections 814(a)(12)-(15).

<sup>19</sup> See Charter Section 814(b)(8).

Within DCAS, the Office of Citywide Diversity and EEO assists the Commissioner to develop and enforce the Policy, standards, and procedures. The Office of Citywide Diversity and EEO will assist City agencies by developing or collaborating on solutions, strategies and initiatives to effectively implement the provisions of the City Charter and other federal, state, and local laws, and monitoring the EEO-related activities of City agencies. In addition, DCAS maintains the data that is necessary in order to fulfill the City's EEO obligations under the City Charter and other federal, state and local laws.

## B. Agency Heads

Each agency head will ensure that his or her agency does not discriminate against employees or applicants for employment as prohibited by federal, state and local laws.<sup>20</sup> Agency heads are accountable to their respective Deputy Mayors for their agencies' EEO practices. Agency heads will also ensure that legal, human resources, and EEO personnel, managers, and supervisors: 1) receive a copy of this Policy (including any addenda); 2) are trained in EEO laws and procedures; and 3) know how to carry out their responsibilities under this Policy. Agency heads must distribute a copy of the EEO Policy Handbook, "*About EEO: What You May Not Know*" to all employees and ensure that a copy is available on the agency's website.

As discussed in Section IV, each agency head must annually adopt and implement a Diversity and EEO Plan that communicates measures and programs that the agency will undertake to ensure fair and effective efforts to provide equal employment opportunity. Draft Diversity and EEO Plans are to be developed and submitted each fiscal year according to the timetable and format established by DCAS, and must be reviewed and approved by DCAS. Agencies are required to file copies of finalized agency Diversity and EEO Plans with the Mayor, the City Council, the Equal Employment Practices Commission ("EEPC"), and the City Civil Service Commission, and to also make Diversity and EEO Plans available for reasonable public inspection.<sup>21</sup>

Each agency head will then submit quarterly reports to DCAS, as well as to the Mayor, City Council, and EEPC, on the agency's efforts during the previous quarter to implement the agency Diversity and EEO Plan. Such quarterly reports will also include a review and documentation of EEO complaints and requests for reasonable accommodations for said quarter. Quarterly Diversity and EEO reports must, pursuant to the City Charter, be timely submitted to DCAS and the other entities mentioned above, no later than thirty (30) days following the reporting period using the reporting format provided by DCAS.

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<sup>20</sup> See Charter Section 815(h).

<sup>21</sup> See Charter Section 815(a)(19).

In order to meet the City's obligations under the City Charter and other federal, state and local laws, and to achieve the goals of the agency Diversity and EEO Plan, each agency head must appoint a trained EEO Officer whose responsibility it will be to implement the Policy within that agency. Because EEO Officers will need independence of judgment as well as the authority of the agency head in order to carry out their responsibilities, the EEO Officer must report directly to the agency head, or if approved by DCAS, to a direct report to the agency head. In order to avoid potential conflicts of interest, under no circumstances should the EEO Officer report to the General Counsel. Where the agency's organizational structure necessitates multiple EEO representatives, such individuals should be selected from different office locations and, where possible, from a variety of levels within the organizational structure. The agency head must ensure that the responsibilities of the EEO Officer are competently discharged.

Agency heads should appoint at least two EEO representatives, who may not be of the same gender, to receive discrimination complaints and conduct investigations. Each agency head must designate a Career Counselor with appropriate training and knowledge, who is familiar with civil service jobs, to provide career counseling to employees who request such guidance. The agency head should also designate a Disabilities Rights Coordinator, whose responsibility it will be to ensure compliance with all federal, state, and local laws, as well as City and agency policies, pertaining to persons with disabilities. Usually the EEO Officer of each agency should serve as the Disabilities Rights Coordinator; however, when circumstances warrant, an agency head may designate another person to serve as the Disabilities Rights Coordinator.

Agency heads are required to sign off on all agency Diversity and EEO Plans and final determinations concerning EEO complaint resolutions and should conduct a quarterly review of EEO complaints and requests for accommodations. Such sign off may be in written or electronic form. Each agency head will ensure that all employees are provided with information that complies with the standards provided by DCAS regarding employee rights and obligations contained within this Policy, and with information about the complaint, investigation and reasonable accommodation procedures. The agency head will also ensure that the Policy, standards, and procedures are posted at each site where the agency conducts business. Such posting may include postings on electronic bulletin boards and intranet sites. Each agency head will ensure that each of the agency's employees is accountable for his or her compliance with EEO-related policies, and receives training in EEO laws.

Agency heads should ensure that information regarding employee rights and obligations, and the complaint, investigation, and reasonable accommodation procedures are available in appropriate alternative formats to employees and job applicants with disabilities.

### C. EEO Officers

The agency's EEO Officer has primary responsibility for assisting the agency head in implementing the Policy, standards, and procedures. Specifically, the agency's EEO Officer must be knowledgeable regarding EEO laws, the requirements of the Policy, standards, and procedures, and how to prevent, investigate, and resolve discrimination complaints. The EEO Officer and/or Disability Rights Coordinator will also receive requests for accommodations, and recommend appropriate action to the agency head regarding EEO-related issues. The EEO Officer will also provide guidance to the agency head in submitting the agency's annual Diversity and EEO Plan and in preparing and reviewing quarterly reports. The EEO Officer should work closely and cooperatively with the agency's General Counsel and the DCAS Office of Citywide Diversity and EEO, and provide guidance and assistance to agency managers, supervisors, and human resource professionals in addressing issues relating to equal employment opportunity.

The EEO Officer will also: 1) set training objectives that ensure that all agency employees receive diversity and inclusion and EEO training; 2) supervise the EEO-related activities of EEO counselors and/or investigators; 3) ensure that the Policy, standards, and procedures are posted at each site where the agency conducts business; and 4) ensure that the Policy, standards, and procedures are available in alternative formats (i.e., large print, audio tape, and/or Braille). Each agency's EEO Officer shall make a copy of these standards and procedures, and any subsequent revisions and supplemental materials, available upon request by an employee or applicant.

### D. Agency General Counsels

Agency General Counsels should: 1) assist the agency head in identifying and determining appropriate responses to EEO issues; 2) work cooperatively and closely with the EEO Officer in the implementation of the Policy, standards, and procedures; 3) inform the EEO Officer when external complaints or litigation involving EEO matters are brought against the agency; 4) be available to consult on internal EEO investigations; and 5) be responsible for the investigation of, and response to, external EEO complaints.

### E. Managers and Supervisors

Managers and supervisors will make every effort to maintain a work environment that fosters sensitivity and respect for the diversity of all individuals. Specifically, each agency manager or supervisor shall: 1) be accountable to the agency head for effectively implementing EEO-related policies; 2) perform managerial or



supervisory responsibilities in a non-discriminatory manner; 3) receive training in EEO laws; 4) cooperate with the EEO Officer in the implementation of the Policy, standards, and procedures (including training, complaint resolutions, processing, recording, and reporting reasonable accommodation requests, EEO-related recruitment, and selection standards; and modifying agency procedures to ensure equal employment opportunity for applicants and employees); 5) promptly consult with the agency's EEO Officer if he or she observes, learns about, or suspects that a violation of this Policy has occurred; 6) where appropriate, encourage subordinates to consult with an EEO office; 7) allow employees to meet with EEO representatives at the earliest practical time consistent with the operational needs of his or her unit; and 8) maintain confidentiality with respect to EEO-related matters.

#### F. Personnel Officers

Personnel Officers have primary responsibility for assisting the agency head in implementing the City's personnel policies and shall be knowledgeable regarding the interplay of EEO-related laws and other work-related legal regulations including Family Medical Leave Act, New York State Civil Service Law, and Workers' Compensation Law. Personnel Officers should cooperate with EEO Officers in the implementation of the Policy, standards, and procedures including training objectives, complaint resolutions, and modifying agency procedures to ensure equal employment opportunity for applicants and employees.

Personnel Officers will also: 1) ensure that employees know the identity of the agency Career Counselor and ensure that all employees have access to information regarding job responsibilities, performance evaluation standards, examinations, training opportunities and job postings; 2) ensure that all new employees are advised of the Policy, standards, and procedures, the employees' rights and responsibilities under such policies, and the discrimination complaint procedures; 3) inform the EEO Officer on a quarterly basis of the number of 55-a Program participants and efforts that the agency has made to employ, promote, or accommodate qualified individuals with disabilities; 4) involve the agency EEO Officer in the review of EEO-related decisions, actions, and practices; and 5) promptly consult with the agency's EEO Officer if he or she knows, has been informed of, or suspects that a violation of this Policy has occurred.



# GENDER IDENTITY AND EXPRESSION IN OUR DEPARTMENT AND THE CITY WE SERVE



**Wendy Garcia**

**Edward Caban**

DEPUTY COMMISSIONER  
EQUITY AND INCLUSION

POLICE COMMISSIONER

**NYPD**

## **Overview:**

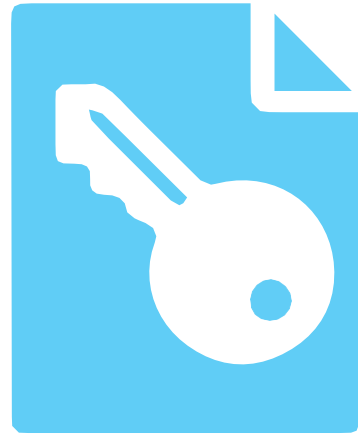
The City of New York and the NYPD recognize and support the rights and dignity of transgender and gender non-conforming persons, including both members of the police department and members of the public. The NYPD proudly supports and follows the NYC Human Rights Law.

In New York City, it is illegal to discriminate based on actual or perceived sexual orientation or gender. The objective of this handbook is to provide our members guidance on policies, procedures, and language that foster an environment of belonging and respect for LGBTQIA+ communities. It contains information on NYC laws, NYPD policies and procedures, as well as key terms to help individuals understand the words and meanings surrounding sexual orientation, gender identity, and gender expression. The New York City Police Department is committed to ensuring that our members and community are treated with dignity and respect without threat of discrimination or harassment.



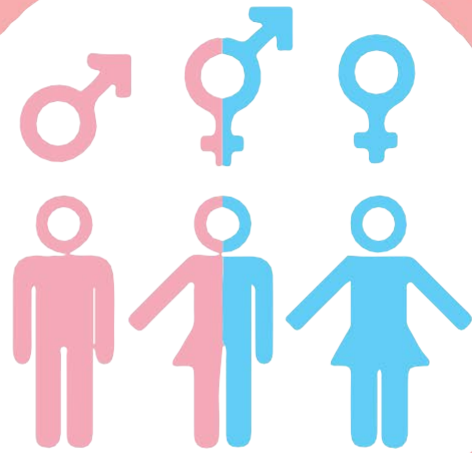
## KEY TERMS

- **Gender Identity:** An individual's internal sense of gender which may be the same or different from their assigned sex at birth. Gender identity is distinct from sexual orientation.
- **Gender Expression:** The representation of gender as expressed through one's name, pronouns, clothing, hairstyle, behavior, voice, or similar characteristics. Gender expression may or may not conform to gender stereotypes. Terms associated with gender expression include, but are not limited to: androgynous, butch, female/woman/feminine, male/man/masculine, or non-binary.
- **Transgender:** An individual whose gender identity does not conform with the sex assigned at birth.
- **Cisgender:** An individual whose gender identity matches the sex they were assigned at birth.
- **Gender Non-Conforming:** An individual who has or is perceived to have, gender characteristics and/or behaviors that do not conform to traditional or societal expectations. Some may use the term *genderqueer*.



## KEY TERMS

- **Non-Binary:** A person whose gender identity is not exclusively male or female, and can be neither male or female. Non-binary individuals may identify as gender X, gender fluid, agender, third gender or something else.
- **Gender Pronouns (GP):** Refers to the pronoun or set of pronouns that an individual would like others to use when talking to or about that individual. Some examples are: he, him, his or she, her, hers or they, them, theirs (single and plural usages). Non-traditional pronouns include ze or zer, etc.
- **Transition:** The process in which an individual changes their gender from their assigned sex at birth to their gender identity. The duration of a transition may differ for each individual. A transition may include, but is not limited to: informing family, friends and co-workers of gender identity; obtaining medical services (e.g., hormone therapy, surgery, etc.); name and legal gender changes.
- **Sexual Orientation:** Describes a person's emotional and/or sexual attraction to another person.
- **Deadnaming:** Using the birth name/gender of a transgender or gender non-conforming person when they no longer use this name or gender. Deadnaming is considered disrespectful and insulting.



## USE OF SINGLE-SEX FACILITIES

Executive Order 16 of 2016 mandates that all city employees and members of the public be allowed to use the single-sex facilities that most closely align with their gender identity or expression in all properties owned and operated by the City of New York. These facilities include, but are not limited to: bathrooms, locker rooms, waiting areas, pools, saunas, lounges, or living spaces. No one will be required to show identification, medical documentation, or any other form of proof or verification of gender. In New York City, that's the law.

- A transgender woman is permitted to use any women's bathroom or other single-sex facility for women. A transgender man is permitted to use any men's bathroom or other single-sex facility for men.
- Allowing people to use the single-sex facility consistent with their gender identity or expression does not change the expectations for the behavior of everyone using the facilities. Behaviors such as "peeping," harassment, stalking, and other types of criminal activity are illegal. Note, however, that merely entering a single-sex facility, whatever's one gender or gender expression, is not a crime.



# PROCEDURES

The following are Patrol Guide, Administrative Guide and Detective Guide procedures regarding gender identity and gender expression:

### **304-06 Administrative Guide- Prohibited Conduct**

- Use pronouns, title of respect and preferred name appropriate to the individuals' gender identity/expression.
- It is prohibited to use discourteous or disrespectful remarks regarding another person's ethnicity, race, religion, gender, gender identity/expression, sexual orientation, or disability.
- It is prohibited to knowingly associate with a person or organization who advocates hatred, oppression, or prejudice in regard to people's gender identity/expression or sexualorientation.

### **208-03 Arrests – General Processing**

- Preferred name is defined as the name an arrestee prefers to be called based on their gender identity. This name may be different than the name on identification documents in the arrestee's possession. The preferred name must be listed on the arresting officer's Activity Log, the Prisoner Pedigree Card, the Prisoner Movement Slip and the On-Line Booking System Arrest Worksheet. On the On-Line Booking System Arrest Worksheet, preface the preferred name with "P-"

- The member shall refer to the arrestee by the preferred name, if any. **Using a preferred name is not a crime and we cannot charge an individual with False Personation for using a preferred name alone.**

### **208-05 Arrests - General Search Guidelines**

- In situations where an arrestee's gender is not immediately apparent, or an arrestee objects to the gender of the member assigned to perform the search, the desk officer or supervisor conducting the search will assign a uniformed member of the gender requested by the arrestee, consistent with officer safety and resource availability.
- Generally, if the prisoner identifies as female, a female member of the service will do the search. If the prisoner identifies as male, a male member of the service will do the search.
- Officers shall not ask questions about an arrestee's anatomy to determine gender.
- Under no circumstances shall a member of service conduct a search for the purpose of determining gender.

### **210-08 Prisoner Holding Pens**

- Male and female prisoners will not be detained in the same cell. Unless there is a safety risk, prisoners will be lodged by their gender identity.

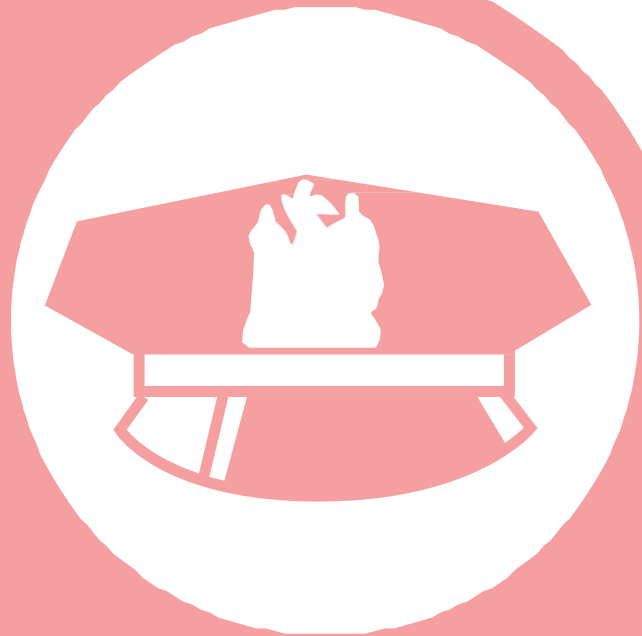
### **210-17 Arrest Processing of Pre-Arrestionment Prisoners Designated as "Special Category"**

- Transgender prisoners will not automatically be considered "Special Category."
- Prisoners are deemed "Special Category" if there is reason to believe that placing them in the general population may pose a safety risk to themselves or to other prisoners.
- There is NO automatic "at risk" notation just because an individual is transgender.

### **510-01/02-Detective Guide "Requests For Media Attention"**

- Information NOT to be released to the media includes the birth name and gender of transgender and gender non-conforming individuals (see deadnaming, above). Only release the preferred name and gender.
- Determine the individual's preferred name. If they are unable to speak for themselves, ask people closest to them what is the person's preferred name and gender.





# TRANSGENDER AND GENDER NON-CONFORMING MEMBERS OF THE SERVICE

Gender non-conforming members and members of the service who transition from one gender to another will receive the full support of the NYPD and its personnel. Members of the service must treat all persons in accordance with their gender identity, including appropriate titles of respect and the preferred name and pronouns. A member of the service's transition should be treated with as much sensitivity and confidentiality as any member of the service who is going through a significant life experience. Transgender and gender non-conforming members of the service have the right to discuss their gender identity or expression openly, or to keep that information private. They decide when, with whom, and how much to share their private information. The Office of Equity and Inclusion will discuss needs and provide necessary direction related to:

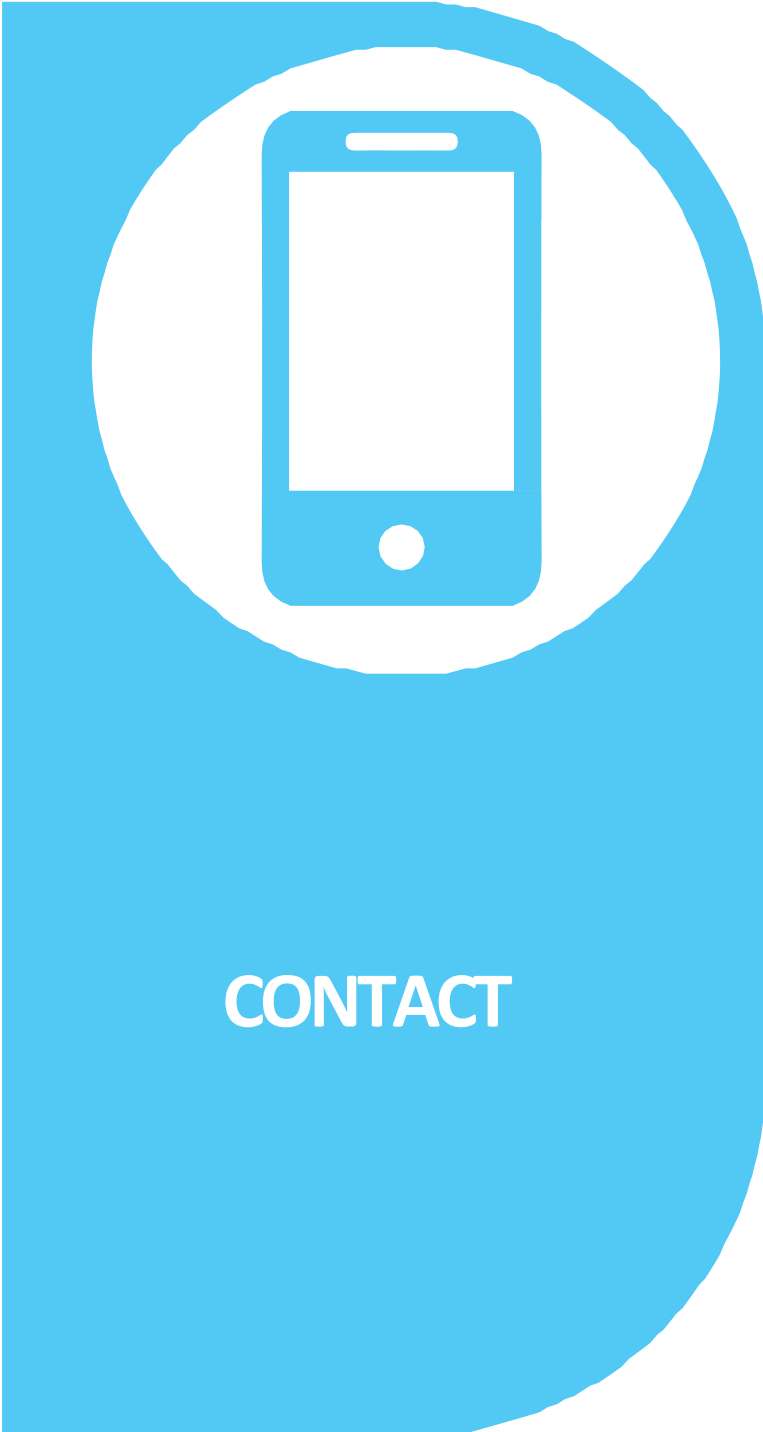
- The preferred name the member is requesting to use.
- Member's gender identity and how the member is requesting to be addressed (i.e., gender specific pronouns).
- If, and/or when, the member is requesting to inform coworkers and other command staff.
- Locker room and restroom accessibility.
- Application for transfer to another command.
- Obtaining a new Identification Card.

Medical Division staff, like all other staff, will not ask questions about genitalia. Once a member of the service has legally changed their name and/or gender on their NYS Driver's License, no NYPD unit will seek additional proof or medical documents.

**Full information about transition is available in Administrative Guide Section 332-03 titled, "Member of the Service Seeking to Notify the Department of Transgender or Gender Non-Conforming Transition, or Status."**

Reminder for all Members of the Service

- Offensive and defamatory language is prohibited.
- The words "he-she", "trannie" and "she-male" are offensive and unacceptable.
- Don't make assumptions about a transgender person's sexual orientation.



If you believe you have been discriminated against or would like more information about your rights and responsibilities under the law, please contact the **Office of Equity and Inclusion’s Equal Employment Opportunity Division** at 646-610-5330 or the New York City Commission on Human Rights.

**NYPD LGBTQIA+ Liaisons to the Police Commissioner**

Lt. Ana Arboleda  
[Ana.arboleda@nypd.org](mailto:Ana.arboleda@nypd.org)  
(646) 373-8436

Det. Dominick Martorelli  
Dominick.martorelli@nypd.org  
(917) 859-9068

**Community Affairs Bureau  
LGBTQIA+ Outreach Unit**  
nypdlgbtoutreach@nypd.org

**LGBTQIA+ Organizations**

**LGBTQIA+ Liaison to the Deputy Commissioner, Office of Equity and Inclusion** - Sgt. Nelly Vega, [Nelly.Vega@nypd.org](mailto:Nelly.Vega@nypd.org), phone 917-513-3881

**BRONX** BX LGBTQ Community Center–Destination Tomorrow,  
452 East 149<sup>th</sup> Street, 3<sup>rd</sup> Floor, Bronx, NY,  
(646) 723-3325

**QUEENS** Queens Pride House  
76-11 37<sup>th</sup> Avenue, Suite 206, Queens, NY  
(718) 429-5309

**BROOKLYN** Brooklyn Community Pride Center  
1360 Fulton Street, Ground Floor, BK, NY  
(347) 889-7719

**STATENISLAND** Pride Center of Staten Island  
66 Willow Avenue, Suite 202, Staten Island, NY  
(718) 808-1360

**MANHATTAN** The LGBT Community Center 208 W 13<sup>th</sup>  
Street, New York, NY  
(212) 620-7310

**CITYWIDE** The NYC Anti-Violence Project  
116 Nassau Street 3<sup>rd</sup> Floor, New York, NY  
(212) 714-1141



Acknowledgement to DCEI and GOAL for their contribution in creating this document.



# GENDER IDENTITY AND EXPRESSION IN OUR DEPARTMENT AND THE CITY WE SERVE



**Wendy Garcia**

**Edward Caban**

DEPUTY COMMISSIONER  
EQUITY AND INCLUSION

POLICE COMMISSIONER

**NYPD**