



DEPARTMENT OF BUILDINGS

EXECUTIVE OFFICES  
60 HUDSON STREET, NEW YORK, NY 10013

CHARLES M. SMITH, Jr., R.A., Commissioner  
312-8100

Issuance # 92

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OPERATIONS  
POLICY AND PROCEDURE NOTICE # 8/88

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To: Distribution

From: Fredric J. Pocci, P.E. Assistant Commissioner

Date: March 15, 1988

Subject: Criminal Complaint Form (B Form 39B R6/87)

Purpose: This procedure is effective immediately. It is designed to ensure the proper use of the recodified Criminal Court Complaint Form (B Form 39B R6/87).

Specifics:

Clerical:

The revised form (B Form 39B Rev. 6/87) should be used for all Criminal Court cases. Criminal Compliance form (B Form 39A) is no longer valid; Criminal Court form (B Form 39B) has been revised per this procedure. Both referenced forms contain references to the old Administrative Code sections that are no longer applicable.

The clerk should complete the following typewritten information:

1. B # (internal case number, not required for court)
2. Part
3. County
4. Violation No.
5. Summons No.
6. Defendants
7. Inspectors Name
8. Date
9. Address
10. County
11. Section I text

12. Violation No. in Section II

The clerk should then forward the form to the inspector.

When the form is returned, the clerk should check for completeness and consistency of the inspectors check marks.

No information is to be written in the space after after the words "predicated upon".

Inspectors:

**When the Criminal Court complaint form is forwarded for completion, the inspector should place an "x" in all appropriate areas and sign on the line marked "Deponent".**

The following guidelines should help to ensure consistency.

- Letter "A" (26-248 (a)) should always be "x"ed
- Letter "B" (26-248 (d)) should be "x"ed if prior notice was given to defendant(s)
- Letter "D" (26-122) should be "x"ed for non-compliance with an order issued by the Commissioner or for operation of a Place of Assembly without a current permit or emergency lighting.
- Letter "E" (26-125) should be "x"ed for all violations of the building laws and/or any violations of the rules and regulations enforceable by the Department of Buildings.
- Letter "F" (26-126) should be "x"ed for any violation of the zoning resolution.
- If Letter "B" is "x"ed, Section "II" should always be "x"ed
- If an observance is typed in "Section I", it should always be "x"ed

When completed, the form should be returned to the appropriate clerical unit.

FJP:mh