

**NEW YORK CITY DEPARTMENT OF
INVESTIGATION**



**The Department of Investigation's Examination of the
Circumstances Surrounding Allegations of Sexual
Misconduct at the New York City Fire Department
Engine Company 75/Ladder Company 33/Battalion 19
in the Bronx**

EXHIBITS

- 1. The FDNY Regulations for the Uniformed Force**
- 2. All Unit Circular ("AUC") 268a.**
- 3. Crime Scene Photographs**
- 4. Diagram of the Firehouse**

OATH of OFFICE

Every member of the Fire Department of the City of New York shall subscribe to, and take the following oath:

STATE OF NEW YORK

ss:

CITY OF NEW YORK

I , having been appointed Firefighter in the Fire Department of the City of New York, do solemnly swear that I will support the Constitution of the United States, and the Constitution of the State of New York, and that I will faithfully discharge the duties of a member of the Fire Department of the City of New York, according to the Laws, Regulations and Orders governing the Department, and will obey the orders and directions of my superiors, to the best of my ability.

15.2 COMPANY JOURNAL

15.2.1 Company Journals shall be an accurate and complete daily record of all matters affecting the interests of the Department, or the administration of units and personnel assigned thereto. Entries in such journals shall adhere to instructions, abbreviations and specimens outlined in the "Guide to Company Journal Entries" issued by the Department, copy of which shall remain at housewatch desk for use. Entries shall include but not be limited to the following:

- A. Roll Call entries by the officer-on-duty, recording members on duty, members detailed to or from unit, and other information affecting the administration of the unit. Following every Roll Call, the officer-on-duty shall conduct an exchange of information with all on-duty members. All recent changes to Department policies and procedures, Safety Messages, Pass It Ons, as well as pertinent local issues shall be discussed. An entry in the Company Journal shall be made indicating the items discussed.
- B. All leaves of absences occurring after roll call, and the nature of such leaves.
- C. Full particulars of all injuries sustained by members or civilians involving the unit.
- D. All alarms; time and manner of receipt; apparatus response; location of fire or emergency; and time of return to quarters.
- E. Failure of alarm, radio or telephone systems to function properly.
- F. Supplies of any nature received and/or delivered; kind and quantity; and by whom delivered.
- G. Time any member on duty enters or leaves quarters, as per Section 15.1.9.
- H. Time any Department mechanic, city employee or employee of a private contractor enters or leaves quarters. When a private contractor is working in quarters they must include the employee's name, company, and nature of work. Civilian employees of the department must make entries in their own handwriting
- I. Names of visitors entering quarters; the time and purpose of such visits.

- J. Receipt and disposition of all Department Orders, documents, communications, etc., with description thereof.
- K. Monetary collections of any nature received and/or forwarded.
- L. All incoming and outgoing telephone messages, with complete details.
- M. Assignments, transfers, promotions, reprimands, suspensions, retirements, resignations, dismissals, and deaths affecting members of the company, stating Department Order numbers and dates.
- N. Particulars of all drill and instruction periods.
- O. Deleted.
- P. All movements of apparatus and Department vehicles in addition to responses to alarms.
- Q. Time apparatus is placed in or out of service, with particulars of its disposition.
- R. All other matters of actual or possible interest to the Department or members.

All entries by housewatchman shall be in blue or black ink. All entries by other members shall be in red ink. No lines shall be left blank between entries.

Inside the front cover of journal there shall be affixed an accurate and current company roster.

Pages 500 running backward to 498, inclusive, shall be ruled and indexed to record visits of chief officer. When an entry is made by a Chief Officer, the chief shall record the page number of entry, date, time, signature, conditions, and status of uniforms.

Records shall be maintained in Company Journals of all training sessions conducted. For uniformity, pages 495 to 497 of such journals shall be used for this purpose, using the following headings:

Date	Training Subject	Conducted By	Groups on Duty
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In quarters where a Battalion Depot (mask cylinders) is located, page 494 in the Company Journal shall be ruled and titled for entries by MSU members and Chief Officers, using the following headings

Date	Cylinders Exchanged	Cylinders Found	Officer Notified	Insp. By
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Company Journals shall have a 20 year retention period.

- 15.2.2 Officers on duty shall require that proper entries be made in the company journals on all matters affecting administration of units and personnel assigned thereto.

- 15.2.3 Officers on duty with companies shall, during the last hour of their tours, examine all entries made in company journals during such tours of duty. Entries shall be made recording result of such examinations. When errors or improper entries are found, members shall be properly instructed and corrective action taken. In addition, officers shall, upon return to duty from off-tour or regular leave, examine all entries subsequent to their last entry and record result of such examinations.

15.3 OFFICE RECORDS

- 15.3.1 Except as otherwise directed, records required for the efficient administration of divisions, battalions and companies shall be recorded in an office record journal. Such information shall be indexed, complete, accurate and classified under proper heading.

Company office record journals shall contain information related to the following subjects, properly indexed in the front of journal as outlined below:

<u>SUBJECT</u>	<u>RELATED SECTION OF REGULATIONS</u>
Hose Inventory	13.2.5
Leave & Time Reimbursement	15.3.12
Medical Leaves	17.12.11
Personnel Records	16.1.1

In addition, the Company Office Record Journal may be utilized for recording information of a permanent nature deemed essential by the company commander. Such data shall also be indexed in the front of the journal. Company office record journal shall be retained for ten years.

- 15.3.2 Company commanders shall maintain an accurate record of supplies received and expended. Receipts for all supplies received shall be properly signed and forwarded to the Bureau of Fiscal Services.

- 15.3.3 Deleted.

- 15.3.4 Company commanders shall maintain an accurate record on the Uniform and Equipment Inspection Card of uniform. Articles of uniform or equipment condemned at annual inspection shall also be recorded on the Uniform and Equipment Inspection Card.

To facilitate the permanent or temporary replacement of contaminated firefighting equipment, the size of bunker gear, boots and work gloves is to be recorded on the front of the Uniform and Equipment Inspection Card in the space to the right of each of these items.

- 15.3.5 Companies shall maintain loose-leaf fire record journals, and forward all reports as per AUC 210.

Duplicates of operational reports required to be forwarded shall also be on current file in this loose-leaf journal. Company fire record journals shall be retained for ten years.

- 15.3.6 Deleted.
- 15.3.7 Commanding officers shall file and retain all official records, reports and communications originating in or received in their units.
Reports received shall be filed at point of final receipt, and copies of all reports forwarded retained at points of origination for at least one year. Reports of deaths, accidents, injuries to civilians or members, and other unusual occurrences shall be retained until otherwise directed.
- 15.3.8 Department property on hand, received, condemned and expended, shall be accounted for as provided in Manual of Requisitions and Payrolls.
- 15.3.9 Commanding officers shall, when repairs to buildings, apparatus or equipment are required, or when in need of supplies, comply with instructions outlined in the Manual of Requisitions and Payrolls.
- 15.3.10 Deleted
- 15.3.11 Company commanders shall, for the purpose of expediting response of relocated companies, cause to be prepared and maintained route cards for alarm boxes located on non-numbered streets or avenues, and all other alarm boxes where brief response directions may prevent delay, to which the unit responds on first alarm.

For each such alarm box a card (3"x5") shall be prepared (typewritten or printed), showing box number, location and best available route. Route cards, filed in numerical order by box number, shall be kept in an easily accessible and prominent position at the housewatch desk in a suitable receptacle.

The card pertaining to an alarm received may be taken by the officer of relocated company when responding, and returned to file when necessity for its use ceases.

Route cards shall be maintained by the housewatchman in a clean and orderly condition. Current accuracy of prescribed routes shall be the responsibility of company commanders, but all members shall be alert to notice any need for changes, and report same to officers on duty. Chief officers shall examine route cards during their visits to quarters.

- 15.3.12 Commanding officers shall, in the office record journal and leave record cards, maintain an accurate record of all leaves of absence (except regular leaves) and time reimbursements.

The office record journal shall be provided with the following headings for recording above required information:

- A. Date.
- B. Name.
- C. Rank.
- D. Time granted (subdivided into days and hours).
- E. Type of leave.
- F. Remarks.

- 15.3.13 Requests by the Legal Division/Court Desk to obtain copies of Department Records from field units shall be forwarded to the appropriate Fire Command. Fire Command will process request and insure prompt and thorough compliance. Records forwarded must be correct, complete and legible. They must be forwarded in a punctual manner; an effort shall be made to meet any date requirements.

15.4 INSPECTIONAL DUTIES

- 15.4.1 When ordered, officers on duty shall provide necessary inspectional activity to maintain doors, key slots, and handles of street alarm boxes in operative condition.
- 15.4.2 When defects of alarm boxes are found, or when doors, locks or mechanisms require lubrication, or globes designating boxes are broken or missing, the officer on duty shall promptly notify the Bureau of Fire Communications by telephone.
- 15.4.3 Members shall not tamper with or lubricate any part of alarm box mechanism nor disturb circuit by pressing Morse Key. Members shall be instructed as to the proper action to take in the event of an accidental transmission of the alarm box.
- 15.4.4 When first to be notified of a burst water main or other water flooded condition, the officer on duty shall promptly cause an investigation and notification of the dispatcher and battalion chief.

When the initial investigation by a unit verifies the report of a burst water main or other water flooded condition, the dispatcher shall, in accordance with provisions of Communications Manual, direct the response of the nearest available Battalion Chief. If the initial investigating unit was not a Ladder Company, a Ladder Company shall also be directed to respond to the incident.

- 15.4.5 Members of all ranks shall be constantly alert to observe violations of law relative to fire hazards or fire protection. Prompt and effective action shall be taken to alleviate conditions that may result in fire, injuries to persons or damage to property. Members shall obtain all information relative to violations of laws or regulations when enforcement is the responsibility of this Department, and provide the officer on duty having jurisdiction with such information.

- 17.7.15 Vacation leaves shall not be interrupted, delayed or extended by notification of death in member's immediate family.

Members granted a bereavement leave which extends into scheduled vacation leave, shall have such bereavement leave term terminated at 0900 hours of vacation date as established in Permanent Vacation Letter Books.

Deputy chiefs, receiving a death notification immediately prior to conclusion of member's vacation leave, shall grant a bereavement leave to commence on completion of date of member's vacation and to conclude at 0900 hours on date following burial services.

17.8 ADJUSTED TOUR

- 17.8.1 To reduce the firefighter's work week to 40 hours, a 15 hour adjusted tour is granted annually. To receive an adjusted tour, a firefighter must perform more than six months service in the current calendar year under the Two-Platoon, 25 Group chart.

17.10 MUTUAL EXCHANGE OF TOURS

- 17.10.1 A. Application for mutual exchange of tours, below the rank of Lieutenant, may be submitted by members of equal rank assigned or detailed to same unit or units in same or adjoining quarters.
- B. Application for mutual exchange of tours by company officers (captain and lieutenants) may be submitted by such members assigned or detailed to same unit.
- C. In addition, application for mutual exchange of tours, rank of lieutenant and above, may be submitted by members of equal rank assigned or detailed to units within the same division.
- D. Applications for Mutual Exchange shall be processed as follows:

<u>Applicant</u>	<u>Authorizing Unit</u>
Firefighters	Administrative Battalion
Lieutenants, Captains & Battalion Chiefs	Administrative Division
Deputy Chiefs	Division Command

- E. Such applications shall be forwarded on Form BP-55 with all information required thereon.
- F. Variations of mutual exchange of tours, for school attendance, is outlined in PA/ID 1-72.

17.10.2 Mutual exchanges of tours shall be governed by the following:

- A. Application shall be submitted at least 3 days in advance of first date involved.
- B. Mutual exchanges of tours shall be completed within a 15 day period subsequent to first date involved.
- C. Approved mutual exchange of tours shall not be considered valid if either member will be on any type of leave or detail for which member has been notified more than 7 days prior to first date of mutual.
- D. Applicant shall be limited to one mutual exchange within a period of 15 days of his requested date.
- E. Cooperating member shall be exempted from the 15 day limitation provided, during this period, member is not an applicant for a mutual exchange involving a member with whom he/she cooperated in such 15 day period.
- F. Department may restrict mutual exchanges for training purposes and medical exams.

17.10.3 Applications for mutual exchanges of tours requiring any modifications of sections 17.10.1 and 17.10.2 shall include all pertinent information relative to requested modification. Such requests shall be forwarded through regular channels to the division commander.

17.10.4 Inability for any reason on the part of applicant or cooperating member to complete either portion of a mutual exchange of tours shall be processed as follows:

- A. **Officer Rank:**
Deputy chiefs shall immediately telephone all pertinent information to the Officer Assignment Desk of the Office of Chief of Operations.
- B. **All Ranks:**
Division commanders shall forward form BP-54 monthly.
- C. Deputy chiefs are authorized to assign any member below the rank of lieutenant to tours of duty within the division to complete member's obligation.
- D. Members, in the rank of lieutenant and above, shall be assigned tours of duty after consultation with the Officer Assignment Desk, Office of Chief of Operations.
- E. Member unable to complete a mutual exchange of tour because of line of duty medical leave shall not be required to reimburse the City for such tour of duty, (maximum one tour).

- F. Incomplete mutuals not repaid within 30 days will be charged to vacation leave. If there is no remaining vacation leave for present year, the deduction will be made from the following year's leave.

17.10.5 Division, battalion and company commanders shall utilize form BP-57 to maintain complete records to facilitate the processing and control of mutual exchange of tour requests.

17.11 ABSENCE WITHOUT LEAVE

17.11.1 In the event members are absent from any duty without permission from proper authority, or exceed the time allowed for any leave of absence, such members shall be considered absent without leave. Members absent without leave shall be required to fill out and sign, in the presence of officer on duty and housewatchman, an absence without leave report.

17.11.2 Members shall report promptly at the expiration of leaves and off-tour periods. In the event a member is unable to report for duty at the required time, such member shall notify the officer on duty with his/her unit by telephone, stating location and reason for delay. Officers shall promptly notify the battalion chief of such absence, indicating all information received from absent member.

17.11.3 In the event members absent without leave have not reported for duty or communicated with officer of unit, battalion chiefs shall, after a period of thirty minutes, notify the battalion chief of the administrative district wherein such member resides or is located. Such battalion chief shall promptly visit the residence of member to determine the reason for absence and the condition of member. In the event such member is unable or refuses to report for duty, the battalion chief shall notify the medical officer on emergency duty, and order member to remain at the location until arrival of such medical officer, unless immediate hospitalization is required.

The investigating officer shall telephone the result to the battalion chief who caused investigation, followed by reports to such officer and to the Bureau of Personnel, including full particulars; orders issued, and condition of member.

17.12 MEDICAL LEAVE

- 17.12.1 Deleted.
- 17.12.2 Deleted.
- 17.12.3 Deleted.
- 17.12.4 Deleted.
- 17.12.5 Deleted.
- 17.12.6 Deleted.

- 17.12.7 Members on duty must notify the officer of any illness or injury. When notified, the officer must promptly provide treatment or obtain professional medical assistance.
- 17.12.8 Members taken ill or injured in quarters may not leave quarters until granted permission by the officer on duty or Medical Officer.
- 17.12.9 Any uniformed member requesting medical leave from the field will automatically be placed in such status at the end of the tour if the Medical Officer is unable to reach the firehouse or hospital emergency room where the member is located. The member will report, if able, to the Bureau of Health Services on the next clinic day which follows the end of the tour the member was working. At the member's request, he or she can remain beyond the end of the tour to await the Medical Officer. However, no overtime entitlement will accrue to the member under such circumstances. Company officers shall notify Car 32 or 33 via the dispatcher if the member elects not to remain beyond the end of the tour. If the Medical Officer believes it is imperative, however, that the member await the arrival of Car 32 or 33, the member will be ordered to remain at the firehouse or hospital emergency room. In this instance, overtime will be authorized. (TPR Code 1464/1465). Form FS 260 is also required.
- 17.12.10 When a member is admitted to a hospital, the member or the member's representative must promptly notify the officer on duty in the member's unit for transmittal to the Bureau of Health Services and the City Wide Medical Leave Desk.
- When a member is discharged from a hospital, the member or the member's representative must promptly notify the officer on duty in the member's unit and the Bureau of Health Services. An appointment will be scheduled by the Bureau of Health Services based on the member's health and ability to travel.
- 17.12.11 Medical leaves may be granted only by Fire Department Medical Officers.
- 17.12.12 When medical leave is granted, the Bureau of Health Services will forward form MD-211 to the member's unit. Medical diagnosis (i.e.: Service Connected, Non-Service Connected, Undetermined) on form MD-211 must be entered in the office record journal. If MD-211 is not received within two weeks, the commanding officer must notify the Bureau of Health Services.
- 17.12.13 A member taken to a hospital for treatment from a fire must remain at the hospital until contacted by a medical officer.

17.12.14 A member receiving a written order (Form MD-211) to return to full duty must immediately deliver the order in person to the officer in his/her assigned unit.

17.12.15 When a member, on or off duty, suffers a heart attack or suspected heart attack, the officer on duty in his/her unit must forward a report to the Bureau of Health Services showing in detail the work and activity records of the member for the 72 hours prior to the attack. The report must include if attack occurred on or off duty; dates and tours of duty worked; response to alarms; nature and length of duty performed; e.g. training, inspectional and maintenance activities.

17.12.16 Deleted



COMPANY QUARTERS

19.1 MAINTENANCE OF QUARTERS

19.1.1 Company commanders shall have charge of company quarters, be responsible for its cleanliness, heating and hot water installations, fuel supply tanks, and other appurtenances; and shall exercise rigid economy in the use of water, gas, fuel, oil, electricity, and other supplies.

In the absence of the company commander, officers on duty shall be equally responsible for the enforcement of this regulation.

19.1.2 No unauthorized changes, additions or alterations in quarters, or to any equipment thereof shall be permitted without the written approval of the Chief of Department.

19.1.3 When buildings are being erected adjoining or adjacent to quarters, a report shall be forwarded stating whether provisions relating to height and construction of chimneys contained in the building code are being complied with.

Company commanders shall, upon notice being received of proposed demolition work adjacent to adjoining quarters, forward a report to the Fire Commissioner with full particulars.

19.1.4 Members shall be assigned various duties for the proper maintenance of quarters, apparatus, and equipment. Officers on duty shall direct and supervise the cleaning of quarters, apparatus, tools and equipment for the purpose of maintaining a clean and orderly condition at all times.

Upon conclusion of such cleaning and maintenance duties, officers on duty shall inspect quarters, apparatus, tools, and equipment, and enter in the company journal their evaluation of the work performed.

19.1.5 Officers on duty shall designate members to attend all hot water and heating installations in quarters. Officer on duty shall supervise the checking of the water level in all steam boilers, immediately after roll calls at 0900 and 1800 hours.

The water column must be kept at a height of 3/4 of the glass gauge for safe operation of the boiler. A record of such inspection shall be recorded in the company journal.

Should it be necessary to add water to the heating system, the manually operated feed valve shall be opened and water added SLOWLY, until the required water level is reached.

The circulator unit of hot water heating systems requires a few drops of oil semi-annually for motor lubrication and monthly inspection of the reservoir of the pump bearing assembly for the proper oil level, adding oil as required. Any circulator developing noise should be shut down immediately and the Fire Department Buildings Unit notified.

19.1.6 Company Commanders shall, once each month, thoroughly examine the apparatus entrance doors to determine their condition and, when necessary, lubricate with a light oil.

19.1.7 Officers on duty shall, immediately after 0900 hours roll call, determine the quantity of diesel fuel and heating fuel in the storage tanks and record same in the company journal.

When indications of water or sediment are present in diesel fuel or heating fuel storage tanks, the officer on duty shall promptly notify the Fire Department Buildings Unit.

19.1.8 In order to preserve the apparatus floors, structural steel, and electrical components, the use of water in apparatus quarters shall be kept to a minimum.

Cleaning of apparatus floors shall be done by the use of brooms and damp mops. Water shall be used sparingly when it becomes necessary to flush out quarters.

Weather permitting, washing of the apparatus shall be performed outside of quarters. During inclement or subfreezing weather, apparatus shall be washed in quarters using a minimum of water. Excess water shall be removed from the floor immediately.

When washing of walls in quarters becomes necessary, care shall be exercised to avoid wetting of the electrical, telephone, and alarm equipment.

19.1.9 When repairs are being made in or about quarters, officers on duty shall provide for the necessary protection of all Department property.

19.1.10 Officer on Duty shall forward any notice of low pressure boiler inspection received from the N.Y.C. Department of Buildings, to the Fire Department Building Maintenance Division. It is to be forwarded to the attention of the Senior Stationary Engineer.

19.1.11 When private contractors commence repairs or other work in or about company quarters, the officer on duty shall telephone all related information to the Fire Department Buildings Unit.

The housewatchman shall make journal entries when a contractor enters and when the contractor leaves quarters. The journal entry shall note the contractors name, the company the contractor represents and the nature of work to be done.

19.1.12 When daily time sheets are presented to officers by mechanics from the Fire Department Buildings Unit, such officers shall check the sheets for accuracy before signing.

- 19.1.13 Deleted.
- 19.1.14 Company officers shall, when assigning cleaning and maintenance duties, cause an inspection to be made of all fluorescent lighting fixtures in quarters for burned out and defective lamps.
- Burned out or defective lamps shall be removed and replaced promptly. If replacement lamps are not available, all lamps in the same fixture shall be removed (to prevent serious damage to ballasts) until replacement lamps are obtained.
- 19.1.15 Company Commanders shall be responsible for providing privacy of bathroom facilities for members of both sexes. Requisitions for missing or defective doors or locks shall be forwarded promptly.

19.2 USE OF QUARTERS

- 19.2.1 Quarters shall be used only for Department business. Visitors shall not be permitted to remain in quarters after 2200 hrs. Social assemblages shall be prohibited at all times.

- 19.2.2 No material which is, or may be construed as, offensive or controversial in nature may be distributed through Department "Bag" or be displayed in or about Department Buildings. When doubt exists as to whether any material may be construed as offensive or controversial, it shall be submitted to the Fire Commissioner for approval before being distributed or displayed.

Bulletin boards shall be located in sitting rooms and used only for official Department business or important information relating to approved Departmental organizations.

Chief and company officers will be held strictly responsible for insuring compliance with this section.

Uniformed commanders and civilian managers shall ensure that copies of the Equal Employment Policy Statement and Sexual Harassment Policy Statement are posted permanently on the bulletin board of the company quarters/administrative offices. Commanders and managers are responsible to assure that these signs are neither defaced nor removed.

Battalion Chiefs, when conducting an inspection of company quarters, shall ascertain if the Policy Statements are posted.

For further copies of the Equal Employment Policy Statement or Sexual Harassment Policy Statement, contact the EEO office at (718) 694-2220.

Chief and company officers will be held strictly responsible for insuring compliance with this section.

- 19.2.3 Privately owned automobiles or vehicles shall not be stored in quarters without approval of the Fire Commissioner.
- 19.2.4 Telephones shall be used only for the transaction of Department business. Exceptions may be permitted by the officer on duty in cases of sickness, deaths, or emergencies.
- 19.2.5 Unnecessary or prolonged conversations on Department telephones or use by persons other than members of the Department shall be prohibited. Civilian members assigned to various bureaus or divisions of the Department may, with permission of the officer on duty, use Department telephones.
- 19.2.6 Members shall not contract for or cause a telephone to be installed in any Department building without written approval of the Bureau of Personnel.
- 19.2.7 Officers on duty shall not permit photographs to be taken in department buildings under their jurisdiction without approval of the Fire Commissioner.
- 19.2.8 Officers on duty shall exercise tact and discretion in all instances when a request is made for aid in the event of serious injury or illness to persons in the vicinity, and immediately summon competent medical assistance through the dispatcher.
- The role of any member ordered to respond to such emergency shall be confined to first aid and should, under no circumstances, essay to take over the functions of a qualified member of the medical profession.
- 19.2.9 Company commanders shall cause the display, on the front of quarters, of a sign indicating location of the fire alarm box nearest company quarters.
- 19.2.10 Periodically, for the purpose of educating the public in all phases of fire prevention, as well as furtherance of sound public relations, fire houses throughout the city shall, while the company is present, be open to the general public and visitors cordially received. Designated dates and hours for such "Open House" periods will be promulgated in advance on department orders.
- 19.2.11 During "Open House" periods, officers and members shall be on the apparatus floor, and members instructed to:
- A. Give information relative to the general functions and professional operations of the Fire Department.
 - B. Explain common fire hazards and how to eliminate them.
 - C. Encourage and answer questions on fire prevention.
 - D. Distribute appropriate fire prevention literature.
 - E. Convey the message of the paramount importance of sending prompt alarms of fire.
 - F. Focus attention, when seasonally appropriate, upon such topics as brush fires, fireworks, Christmas trees, wrappings, etc.

- 19.2.12 Deleted.
- 19.2.13 During "Open House" periods no visitors shall be permitted above or below the apparatus floor.
Upon receipt of an alarm to which the unit responds, extreme caution shall be exercised and visitors requested to leave quarters before moving the apparatus.
- 19.2.14 Visits of school children in groups to firehouses, while company is present, shall follow a policy of cooperation with the Board of Education and other recognized educational institutions. Officers on duty are authorized to make arrangements for such visits directly with the proper educational personnel, and shall see that the following regulations are complied with:
- A. Third and fourth grade classes shall have one adult supervisor for each 15 children.
 - B. Classes of fifth grade and over shall have one adult supervisor for each 30 children.
 - C. Visits shall be of no more than one hour duration, between 0900 hours and 1700 hours.
 - D. Classes below the third grade shall have one adult supervisor for each four (4) children.
 - E. All company personnel on duty shall remain in apparatus quarters and assist in the observance of every precaution for the safety of visitors, in addition to explaining Department routine.

During visits of school children to quarters, the provisions of section 19.2.13 shall also apply.

- 19.2.15 Officers on duty with companies are authorized to arrange directly with the representative of the local troop for visits of Scout Troops to quarters.

Visiting troops are to be accompanied by authorized adult personnel, with at least one adult for every 20 children. Visits shall not exceed one hour and shall be between 0900 hours and 1700 hours while the company is present. Company personnel on duty shall remain in apparatus quarters and assist in the observance of every precaution for the safety of visitors, in addition to explaining Department routine.

During visits of Scout Troops to quarters, the provisions of section 19.2.13 shall also apply.



HOUSEWATCH DUTY

20.1 ASSIGNMENT OF TOURS

- 20.1.1 Housewatch duty shall be performed by all members below the rank of Lieutenant, with the exception of pilots, marine engineers, and wipers. Firefighters Sixth Grade with less than ninety days service may perform housewatch only between the hours of 0900-2400 provided they are monitored by the officer on duty or by an experienced member.
- 20.1.2 Tours of housewatch duty shall begin at 0900 hours each day, and be divided into eight 3-hour periods. Each tour shall be performed by one member.
- 20.1.3 Company Commanders shall arrange and maintain schedules of assignments to housewatch duty. Assignments shall be equalized and a copy of such schedules posted at the housewatch desk.
- 20.1.4 In a company quarters housing more than one unit, the events of all units shall be recorded in one Company Journal. Housewatch duty shall be performed by members of all such units, alternating monthly in performance of such duty.
- 20.1.5 In order to facilitate an orderly turnout, company commanders shall designate a suitable area in the immediate vicinity of the housewatch desk in which the member performing housewatch duty shall neatly place his/her Personal Protection Clothing (PPC) and equipment.

20.2 SUPERVISION

- 20.2.1 Officers on duty shall be directly responsible for the proper supervision of members performing housewatch duty. They shall give close, personal attention to the enforcement of regulations governing these duties. Entries in Company Journals shall be accurate, complete, and examined in accordance with sections 15.2.2 and 15.2.3 of the Regulations.
- 20.2.2 Chief and Company Officers shall require the strict compliance by members of all the regulations governing housewatch duty. In the discharge of these responsibilities, such officers shall cooperate in the proper training and frequent supervision of members in the performance of housewatch assignments.

20.3 DUTIES AND RESPONSIBILITIES OF HOUSEWATCHMAN

20.3.1 Commanding Officers shall require that each assigned Firefighter display an identification nameplate during housewatch duty.

Legend on nameplate shall consist of:

- A. Member's first initial
- B. Member's last name
- C. Member's badge number

Upon assuming housewatch duty, the identification nameplate shall be displayed upon a permanently affixed holder in a prominent location at the housewatch desk, and remain displayed throughout member's assignment to such duty.

20.3.2 Members assigned to housewatch duty shall remain at the housewatch desk at all times, except when it is necessary to observe conditions in front of quarters. In the event a relief is required for any purpose, the officer on duty shall be notified.

20.3.3 Members performing housewatch duty shall be responsible for the correct receipt, acknowledgment, and report of every alarm signal from any source.

Upon receipt of an alarm from any source requiring response, such member shall promptly sound the alarm bell, inform the officer, and assist in the preparation for the response.

20.3.4 Members performing housewatch duty shall record, promptly and neatly, the receipt of all alarms in the Company Journal.

The blackboard shall also be used as a prominent record of all matters which may affect the efficient response or operations of the unit at fires.

20.3.5 Members on housewatch duty shall see that the fire zone in front of quarters is maintained clear of vehicles and obstructions. Traffic conditions shall be noted and the officer on duty promptly notified of any unusual condition which may interfere with the normal response or movement of the apparatus.

20.3.6 Members on housewatch duty shall be responsible for conditions in apparatus quarters and sidewalk in front thereof. Conduct of members in violation of Regulations, or unusual conditions of any nature in or about apparatus quarters, shall be noted and promptly reported to the officer-on-duty.

- 20.3.7 Members on housewatch duty shall protect all Department property in apparatus quarters. They shall be responsible for protection of the Company Journal and see that it is not defaced or tampered with.

Attention and responsibility is also attached to housewatch duty with regard to the maintenance and safekeeping of all Department Orders and supplements which are posted at the housewatch desk for information of all members, in accordance with Section 15.1.3. Similar responsibility is charged for route cards on file, as required by Section 15.3.11.

- 20.3.8 Members on housewatch duty shall record in the Company Journal all matters required by Regulations and be responsible for the accuracy of such entries. Arrangement of the journal and entries therein shall be in accordance with officially issued "Guide to Company Journal Entries."

Irregularities of the telephone or teleprinter shall be promptly called to the attention of the officer-on-duty and recorded in the Company Journal.

Members on housewatch shall record other information as directed by officers.

- 20.3.9 Members on housewatch duty shall promptly answer all telephone calls, properly identifying themselves by unit, rank, and name. They shall prevent the unnecessary and unauthorized use of the telephones.

- 20.3.10 Members on housewatch duty shall maintain outer doors unlocked at all times while the company is in quarters.

When civilian visitors enter quarters, the member on housewatch shall ascertain their names and nature of their business and then promptly notify the officer-on-duty unless otherwise directed as per paragraph four of this section.

When the civilians are Department of Investigation (DOI) or Bureau of Investigation and Trials (BITs) personnel on official business they shall, after presentation of official identification, have immediate and unrestricted access to all areas of quarters and shall have the full and unrestricted ability to interview members collectively or individually. Their right to immediate access cannot be restricted for any reason and failure to provide free access is cause for disciplinary action and, in the case of DOI personnel, may constitute a violation of the New York City charter and/or relevant criminal statutes.

No Fire Department employee shall make any notification to any superior officers or any other announcement regarding the entry or presence of DOI or BITs personnel on official business unless specifically directed to do so by DOI or BITs personnel.

- 20.3.11 Members performing housewatch duty shall not permit visitors beyond the housewatch desk without permission of the officer-on-duty.

Children under fifteen years of age shall not be permitted to enter quarters without a parent or guardian, unless granted written permission by the Fire Commissioner.

- 20.3.12 Members on housewatch shall ascertain the name, rank, and nature of business of all persons entering quarters. If the visitor is a Department officer or official, the housewatchman shall tender a proper salute. The officer-on-duty shall be notified of the entry of all visitors unless otherwise directed as per paragraph four of Section 20.3.10.
- 20.3.13 Members on housewatch duty during night tours, shall promptly notify the officer-on-duty of all weather conditions which may necessitate special precautions or affect apparatus response, including the need for skid chains in the event of a snowfall.
- 20.3.14 Members shall assist the member on housewatch in performance of his/her duties by reporting all official information to be recorded in the Company Journal when entering or leaving quarters.
- 20.3.15 Members assuming housewatch duty shall be responsible for the neat and orderly appearance of the housewatch desk and the surrounding area.



GENERAL DEPARTMENT

25.1 GENERAL CONDUCT AND BEHAVIOR

- 25.1.1 Members shall not violate their Oath of Office. They shall obey all laws, regulations, orders, commands, and instructions governing members of the uniformed force. Such obedience shall be prompt, implicit and unqualified.
- 25.1.2 Officers shall be just, dignified and firm in effecting discipline and compliance with the Regulations, and when necessary, take required disciplinary action in accordance with such Regulations.
- 25.1.3 Members shall, in matters of general conduct, be governed by rules of good behavior observed by law-abiding, self-respecting citizens. They shall conduct themselves at all times in a manner which will not bring reproach or reflect discredit upon the department. Members in uniform, on or off duty, attending or participating in an event, such as a Parade, Memorial Service, Plaque Dedication, etc.; are to conduct themselves appropriately and adhere to and follow all requests and orders of higher ranking officers of the department. Any act or omission in violation of this Regulation of the Uniformed Force will result in disciplinary action.
- 25.1.4 Members in uniform shall not, except in performance of duty, enter any place where intoxicating liquors are manufactured or sold.
- 25.1.5 Members in uniform, or when on duty, shall not at any time, indulge in, or be under the influence of intoxicating liquors.
- 25.1.6 Members shall not, at any time, indulge in or be under the influence of marihuana or any controlled substance prohibited by the New York State Penal Law.
- 25.1.7 Members in uniform shall not occupy a seat to the exclusion of other passengers, when using public transportation.
- 25.1.8 Members in uniform shall not smoke in public, nor on apparatus floor of quarters.
- 25.1.9 Members shall not, except while on Department business or visiting places of public worship, wear uniforms or any part thereof, at any place of amusement, entertainment, or other place of public assembly, without the approval of the Bureau of Personnel.

- 25.1.10 Members shall not engage in any activity that may be instrumental in arousing religious, racial, or any other hatred, whether by actions, speech, writings, or dissemination of materials. Members shall not discriminate against anyone based upon his/her race, color, creed, sex, age, national origin or affectional preference. Members shall not engage in any activity, whether by actions, speech, writing, or dissemination of materials, that constitutes or may cause sexual harassment as defined in Title VII of the Civil Rights Act of 1964 and Mayoral Directive 80-5.
- 25.1.11 Members shall not neglect or shirk any duty, or absent themselves from quarters, fires or other assignments, without proper permission. Members shall obtain permission to leave quarters in accordance with Section 15.1.9 of these Regulations.
- 25.1.12 Members shall not knowingly make a false official entry, statement, report or record.
- 25.1.13 Members shall not congregate outside quarters unless assembled for drill or other departmental activities.
- 25.1.14 Members in uniform shall not engage in picketing activities of any kind.
- 25.1.15 Members shall not handle apparatus or equipment in a careless or reckless manner.
- 25.1.16 Members shall not carry, possess, store or use any firearm while on Department duty or on Department property. Members holding the rank of Chief Fire Marshal, Deputy Chief Fire Marshal, Supervising Fire Marshal and Fire Marshal, are exempt from this regulation.

25.2 CONTRIBUTIONS, SOLICITATIONS

- 25.2.1 Members shall not sell or distribute tickets, nor shall they sell or solicit advertisements for events of any kind without the prior written approval of the Fire Commissioner. Such events include, but are not limited to, unit anniversaries, sporting events, memorial runs, tournaments and the like.

Approval will not be granted unless it is specifically stipulated that tickets and/or advertisements will be sold only to members and their families.

- 25.2.2 Members shall not solicit or contribute, or cause to be solicited or contributed, any money or other valuable article to be used in connection with any event, including those mentioned in 25.2.1, or with any matter affecting the Department, without the prior written approval of the Fire Commissioner. This does not apply to money collected for house assessments, company commissary, dues of official Department organizations, or other authorized purposes.
- 25.2.3 Members shall not gamble or promote gambling while on duty or in any Departmental premises or vehicle.
- 25.2.4 Members on eligible lists for promotion shall not offer, directly or indirectly, any gratuities to persons or members for the purpose of creating a vacancy to expedite promotions.
- 25.2.5 Members shall not solicit or accept any compensation, reward or consideration for services performed in the line of duty, or any gift or donation as a member of the Department, without written approval of the Fire Commissioner.
- 25.2.6 Members shall not allow their names to be used by any person or firm or corporation, except in connection with duties of an official capacity, without written approval of the Fire Commissioner.
- 25.2.7 Members shall not recommend the name of any person, firm or corporation interested in the sale of fire appliances, or in the remedying of violations of law.
- 25.2.8 Members shall not sanction use of their names or photographs in connection with any printed article, nor with an advertisement of any kind, without written approval of the Fire Commissioner. This shall not prohibit use of photographs in connection with printed accounts of members participating in rescue and other work at fires, or in connection with the history of members appointed or promoted.
- 25.2.9 No member shall make, possess, or present a facsimile of any official badge or identification card. Members shall not use official Department badges under any circumstances to elicit consideration of a personal nature or circumvent regulations or laws. Facsimile of badges may only be possessed by members with the approval of the Fire Commissioner when the badge is part of permanent plaque or trophy.
- 25.2.10 Members shall not lend, sell, or give away any Department property, except that Department property may be loaned to members of other city departments.

- 25.2.11 Overtime, time off, cash payments or other forms of consideration that are in excess of the considerations authorized by the Department are prohibited.

Officers making any unauthorized promises shall be subject to disciplinary action and in addition they will be held personally liable for any consideration which may accrue to other members because of the failure of the officer to obtain proper authorization before promising compensation or compensatory time off in excess of officially prescribed amounts.

25.3 DEPARTMENT ROUTINE RESTRICTIONS

- 25.3.1 Members shall consider official business of the Department as confidential. They shall not impart any information which has not been published in department orders, nor permit persons not members of the Department to have access to, or make a transcript of, a Department record, except as follows:

- A. Under due process of law.
- B. As directed by, or with written approval of the Fire Commissioner.

This shall not prohibit discussion of Department routine with visitors.

- 25.3.2 Members shall not discuss for publication matters concerning the Department, without approval of the Fire Commissioner, except as otherwise provided for in Regulations.
- 25.3.3 Members shall, when answering telephones, indicate unit number, rank and name. Members calling shall identify themselves in like manner.
- 25.3.4 Members shall not visit headquarters of their superior officers without permission of intermediate commanding officers. If permission is denied, members may forward a request for an interview either through official channels or by mail, stating briefly the purpose of the interview.
- 25.3.5 Members shall not use official letterheads, envelopes or stationery, except for transaction of Department business.

25.4 LEGAL PROCEEDINGS

- 25.4.1 Members shall not violate any law. Members shall not commit assault or engage in an altercation while in uniform, on duty, or in any Department workplace or vehicle.

- 25.4.2 A member who is arrested or issued a desk appearance ticket shall immediately notify the officer on duty of the member's assigned unit. Such notification shall include the nature of the charges, date, time, and location of the occurrence. This obligation is not fulfilled by informing a union trustee or attorney.

On the member's next tour of duty, or next return date at the Bureau of Health Services, the member shall complete the Arrest of Member Report (Form BP-66) and shall forward the report to the Bureau of Personnel. Officer on duty shall make immediate notification to the Bureau of Investigations and Trials as required by A.U.C. 268A section 3.

- 25.4.3 A member who becomes involved in any criminal proceeding, or in civil proceedings involving any governmental agency, shall immediately forward to the Bureau of Personnel a report recording all pertinent information.

The member shall forward a separate report for each subsequent or continued appearance and said report shall include adjournment date or the certificate of disposition of the proceedings.

- 25.4.4 Members who are sentenced to jail terms must notify the Bureau of Personnel of the term of the sentence and the date it is to commence. Notification must be made prior to commencement of the sentence. Officers shall carry such members as absent without leave unless otherwise authorized in writing by the Fire Commissioner or designee.

- 25.4.5 When it is reported that a criminal offense has been committed by a member, the officer on duty shall immediately notify the deputy and battalion chiefs on duty. The deputy chief shall telephone particulars to the notification desk and the Office of the Inspector General (212) 825-2406.

- 25.4.6 Members must comply with lawful notice, process or subpoena requiring them to appear before any court or judge, any legislative committee or any officer, board or body authorized to conduct any hearing or inquiry regarding the property, government or affairs of the city or included within its territorial limits. Section 1123 of the New York City Charter requires termination of employees who fail or refuse to do so.



**NOTIFICATIONS TO THE INSPECTOR GENERAL &
THE BUREAU OF INVESTIGATIONS AND TRIALS**

1. INTRODUCTION

- 1.1 The Inspector General's responsibilities as set forth in AUC 268B, include investigating allegations of corrupt or criminal activity or conflicts of interest. The Bureau of Investigations and Trials is primarily responsible for investigating disciplinary allegations concerning violations of Department rules and regulations or the incompetency of Department employees.
- 1.2 To effect this mandate, the appropriate office must be notified immediately.
- 1.3 The term "Employee" means both uniformed and civilian personnel of the Department.
- 1.4 In order to assist Department employees in determining which office must be notified, the following examples are provided which describe situations that require notification. The examples provided by no means address each and every situation that requires notification. The examples should assist the employee in identifying the appropriate office to be notified.
- 1.5 In the event that an employee cannot determine which office must be notified, he or she should contact the Inspector General.
- 1.6 Required notifications to the Inspector General as set forth in AUC No 268B(Rev), Section 5.1, and in section 2.1 of this article shall be made directly to the Inspector General. In accordance with AUC No 268B(Rev), Section 5.9, the Inspector General may direct that the allegation and information remain confidential and that no other notification be made.

2. NOTIFICATION TO THE OFFICE OF THE INSPECTOR GENERAL

Notification to the Inspector General shall be made in accordance with the provisions set forth in AUC No 268B (Rev), Section 5.1:

"Every officer and employee shall have the affirmative obligation to report, directly and without delay, to the Inspector General any and all information concerning conduct involving corruption, other criminal activity, conflicts of interest, misconduct and mismanagement by:

- (1) City agencies;
- (2) City officers and employees; and
- (3) Persons or businesses dealing with the City.

During normal business hours, notifications should be made directly to the Inspector General's Office at (212) 825-2402. In cases of emergency, the Inspector General's on-call supervisor should be contacted through the Fire Department Fire Operations Center at (718) 999-2094.

The failure by any employee to report as required above shall constitute cause for removal from office or employment or other appropriate penalty."

2.1 The following are examples of situations which require direct notification to the Inspector General's Office:

- 2.1.1 Any allegation concerning the violation of City, State or Federal law by an employee or person dealing with the City.
- 2.1.2 Any allegation concerning a conflict of interest by an employee or person dealing with the City.
- 2.1.3 Any allegation concerning improper activity in the procurement of services or property for or by the FDNY.
- 2.1.4 Any allegation concerning the theft of City property or services by an employee or person dealing with the City.
- 2.1.5 Any allegation concerning the offer or acceptance of a bribe or gratuity by an employee or person dealing with the City.
- 2.1.6 Any allegation concerning improper activity in connection with the procurement or attempted procurement of pension benefits by employees.

- 2.1.7 Any allegation concerning false claims by employees that off-duty injuries occurred while on-duty.
- 2.1.8 Any allegation concerning the falsification of or tampering with FDNY records, forms or computer data.
- 2.1.9 The failure by any employee or supervisor to make proper notifications to the Inspector General as set forth in All Units Circular 268B(Rev).
- 2.1.10 Any allegation concerning thefts by employees during fire and emergency operations, inspectional activities or from quarters, requires immediate (as soon as fire or emergency operations permit) notification to the Inspector General. This notification will be made by the Incident Commander at the scene via cellular phone to the Fire Operations Center at (718) 999-2094. The FOC will relay the information to the Inspector General's Office

3. NOTIFICATION TO THE BUREAU OF INVESTIGATIONS AND TRIALS

Immediate notification to the Bureau of Investigations and Trials should be made without delay by telephone in the situations listed in Section 3.1. During business hours telephone notification can be made to the Bureau of Investigations and Trials at (718) 999-2646. After business hours, notification should be made to Fire Operations Center at (718) 999-2094.

- 3.1 The following situations require immediate notification to the Bureau of Investigations and Trials:
 - 3.1.1 On-duty incidents involving possession or use of drugs or alcohol.
 - 3.1.2 Physical altercations among members, serious confrontations with civilians, dangerous misuse of Department vehicles.
 - 3.1.3 Arrest of Department employees.
 - 3.1.4 On-duty confrontations between Department members and members of the Police Department, or other government agencies which may lead to possible disciplinary action.

4. WRITTEN NOTIFICATION TO THE BUREAU OF INVESTIGATIONS AND TRIALS

4.1 The following situations require written notification to the Bureau of Investigations and Trials:

4.1.1 Misconduct by a Department employee not falling within the jurisdiction of the Inspector General.

4.1.2 Follow-up information regarding the arrest of a member.

4.1.3 Any instance of incompetence (i.e., repeated negligent or unsatisfactory performance of duties) so serious that the officer believes disciplinary charges are warranted.

4.1.4 Preference of charges against a member.

4.1.5 Misuse or misappropriation of the Department's time.

5. INCONSISTENCY

In the event of an inconsistency between this regulation and AUC No 268B(Rev), AUC No 268B(Rev.) shall control.

BY ORDER OF THE FIRE COMMISSIONER AND THE CHIEF OF DEPARTMENT

RUN # 04/952

Sgt. Paolucci
C.S.U. INVESTIGATOR

CRIME SCENE UNIT

CHECK LIST/PROCEDURES AT CRIME SCENE

CRIME _____

PCT. OF OCCUR. 46

LOCATION 2175 W. HON AVE

DATE OF OCCUR. 8/20/04

DET. _____ CMD _____

PHOTO DISTRIBUTION _____

ROLL # 11

SUPERVISOR _____

OFFICER / DET. ON SCENE _____
WAS SCENE SAFEGUARDED _____

- 1. PHOTOS TAKEN B/W COLOR
- 2. PROCESSED FOR LATENT PRINTS
- 3. ELIM/SUSP./ D.O.A. FINGER OR PALM PRINT
- 4. BLOOD/SEMIN/OTHER TRACE MATERIAL
- 5. FOOT/SHOE/TIRE/ OTHER IMPRESSIONS
- 6. TOOL MARKS & OR TOOLS COLLECTED
- 7. CAST PREPARED
- 8. SAFE INVOLVED
- 9. VACUUM
- 10. VEHICLE INVOLVED
- 11. FIRE ARMS & OTHER WEAPONS
- 12. BULLETS / SHELLS
- 13. WOUNDS / CLOTHING
- 14. PROPERTY DAMAGE
- 15. VICTIM / HANDS BAGGED / ETC.
- 16. MEASUREMENTS / SKETCHES
- 17. OTHER EVIDENCE PROCESSED & OR COLLECTED



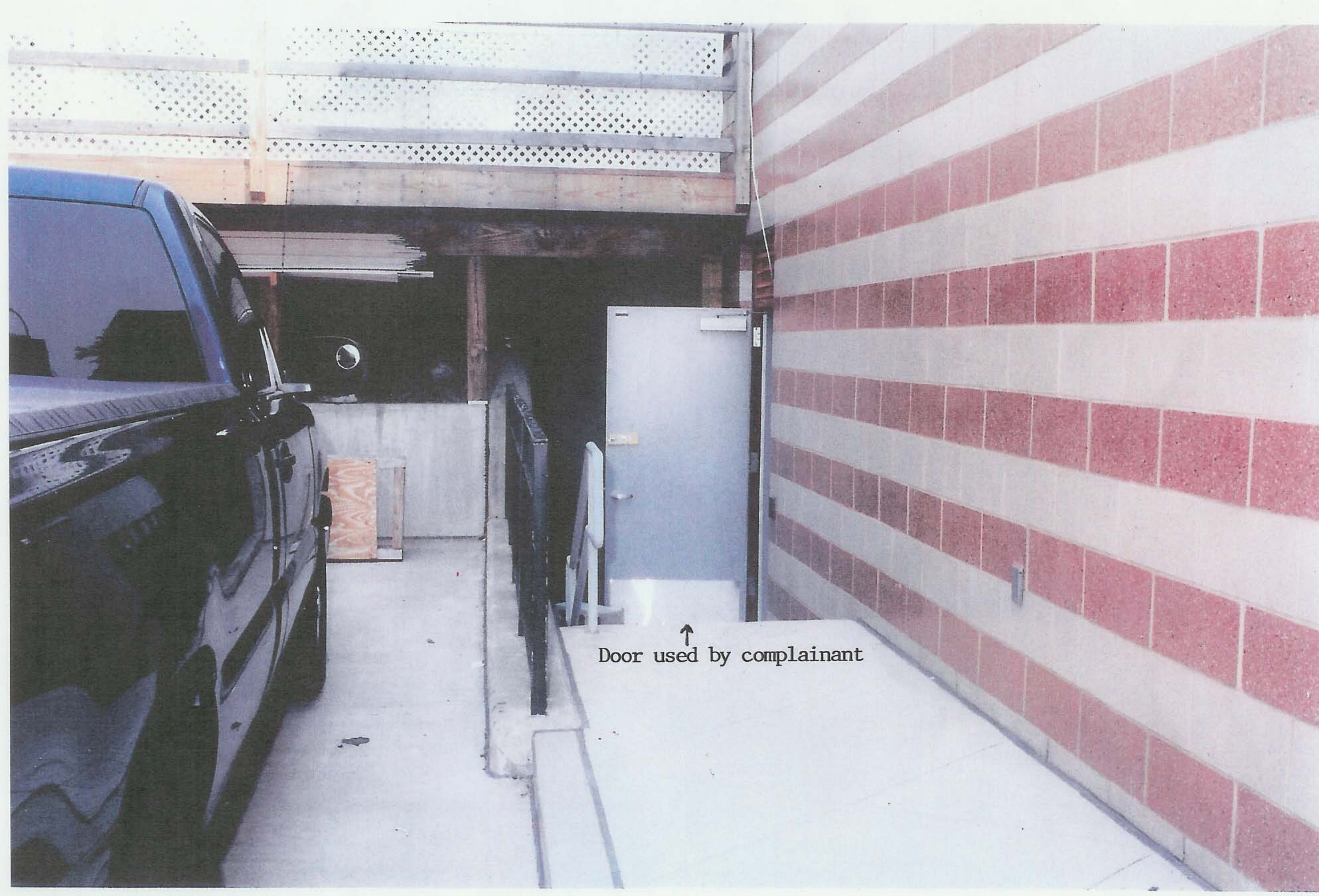
↑
Gate to Driveway

↑
Housewatch

Cameron Place







↑
Door used by complainant



Hallway to Lounge

**"JUST
SUCK IT"**



Door to Lounge

JEROME AV



ONE DANCE



↑
T15

WAC

The Lounge

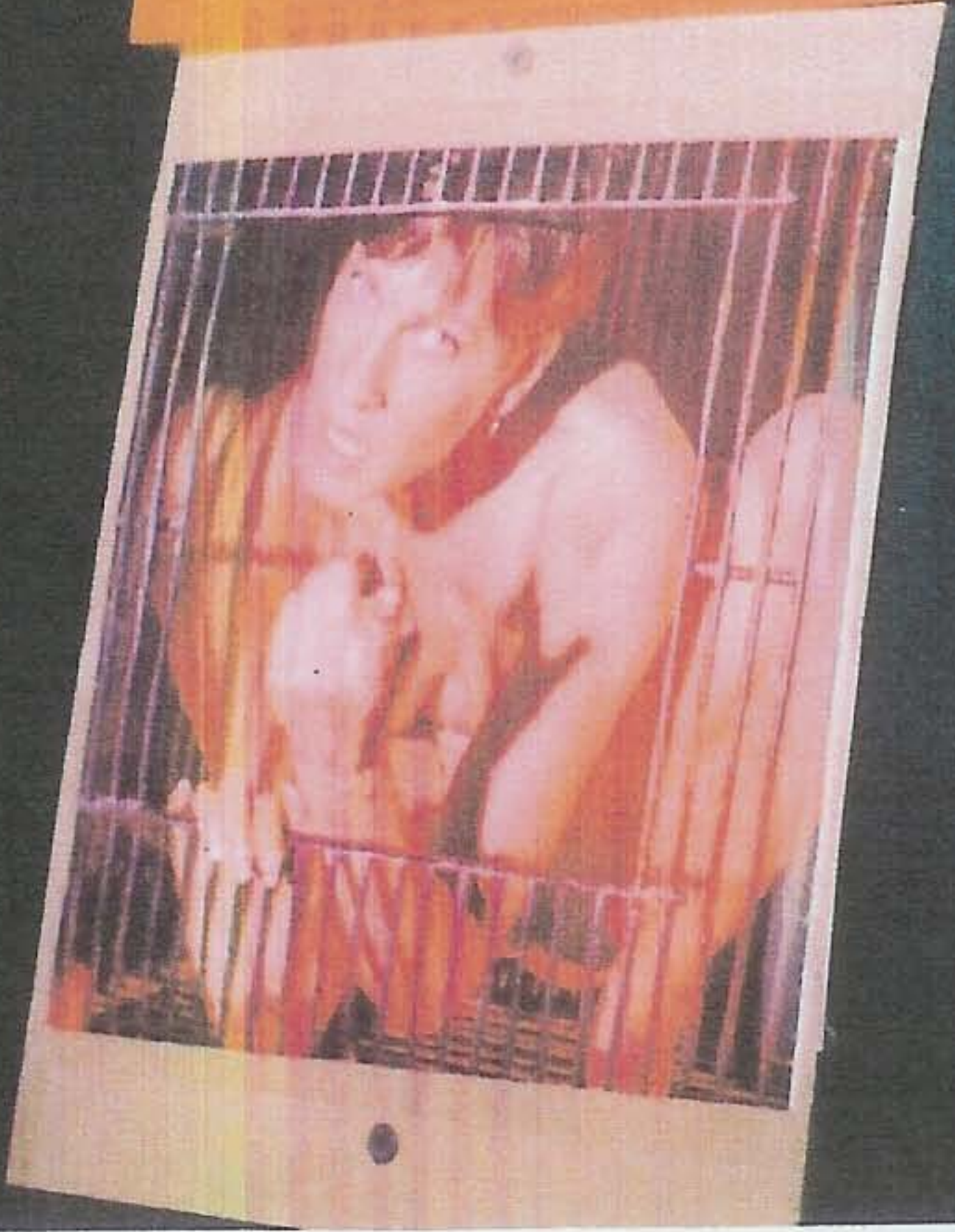




Budweiser

ETS
FEATURES & DA

1981?
←



"ANIMAL HOUSE
4 EVER
K-ROCK
2002

MJR
"EL-GUAP"





"ANIMAL HOUSE"
4 EVER
K-ROCK

2002

MJR
"EL-GUAPPO"

"THANK YOU!
ANIMAL HOUSE!!!"

2001

GIMP





Budweiser
BACKDRAFT

FIRE FIGHTERS SKI RACE

20TH ANNIVERSARY





ZZX'S
ALL ABOUT
LOVE
STARBUCKS
2003



Shirt with patch removed in lounge

ALL ABOUT
TACOMA





CAUTION
WET FLOOR







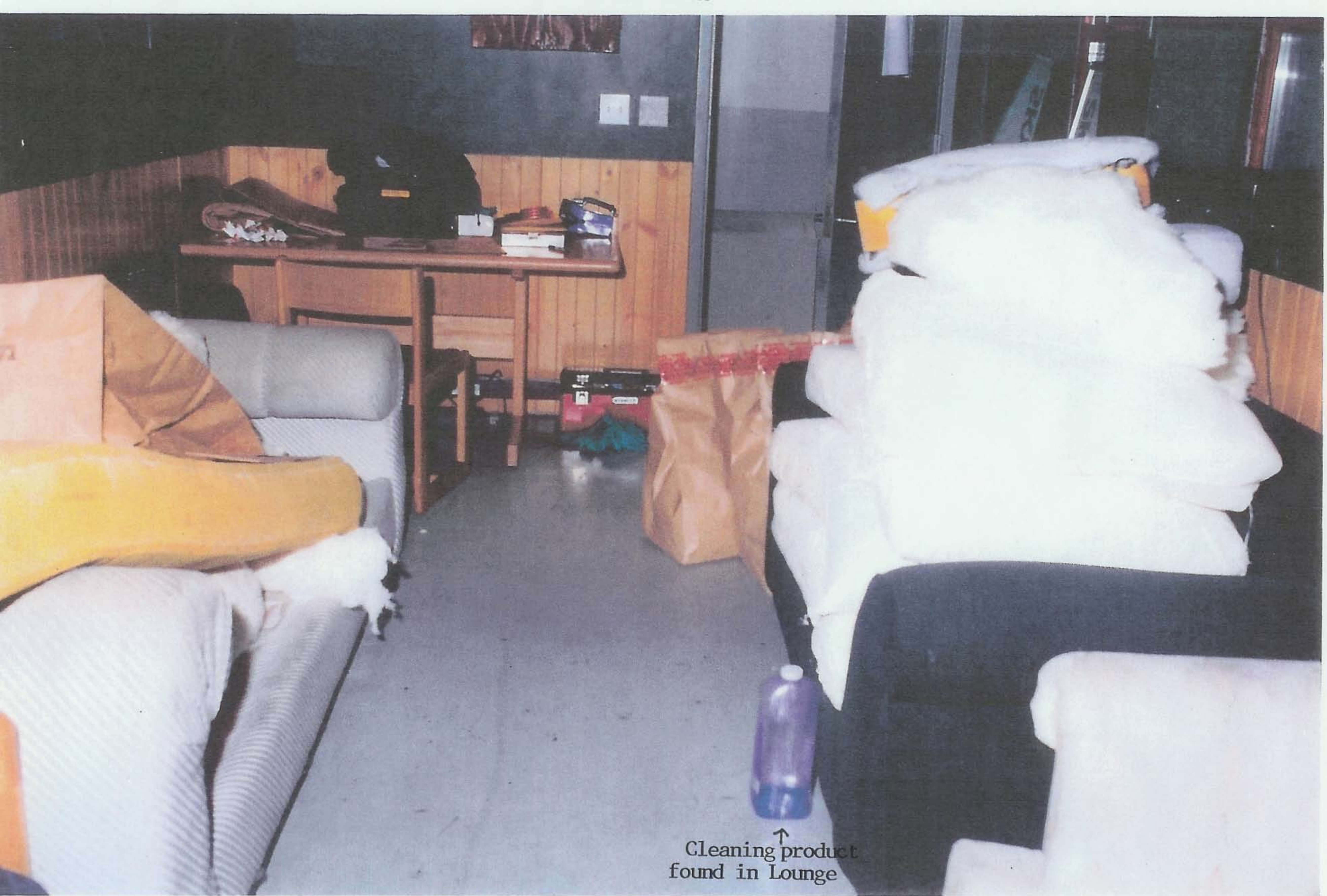












↑
Cleaning product
found in Lounge

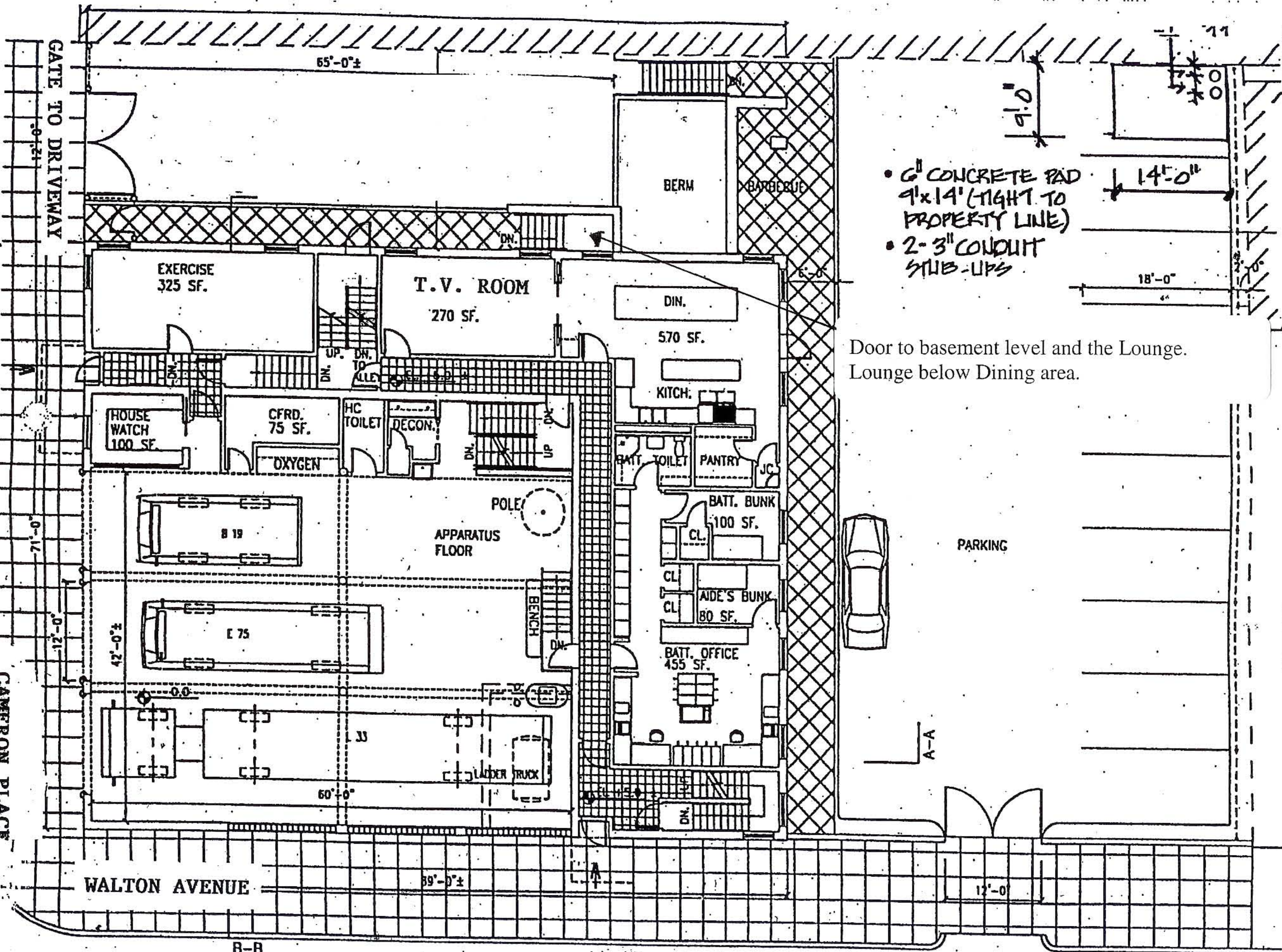






Exhibit 4

Door to basement level and Lounge. Lounge below Dining area.



F175
2175 W
Bronx,



City
Dept.
30-30
Long Is

DEP
DIVIS

154

600

50

30

MULTI-FLOOR DIAGRAM