



DRAFT INTERIM ORDER

SUBJECT: REVISION TO PATROL GUIDE 212-60, "INTERIOR PATROL OF HOUSING AUTHORITY BUILDINGS"		
DATE ISSUED:	REFERENCE:	NUMBER:
05-20-16	*P.G. 212-60	DRAFT 8

1. In order to enhance the interior patrol of New York City Housing Authority buildings, Patrol Guide 212-60, "Interior Patrol of Housing Authority Buildings" has been revised.

2. Therefore, effective immediately, Patrol Guide 212-60, "Interior Patrol of Housing Authority Buildings" is **SUSPENDED** and the following new procedure will be complied with:

PURPOSE To assist the New York City Housing Authority (NYCHA) in enforcing its rules, limiting criminal activity, providing a safe and secure environment and ensuring the habitability of its residential buildings by performing interior patrols in a manner that respects the rights of Housing Authority residents and guests.

SCOPE Members of the service shall conduct all inquiries, interactions and enforcement activities in and around NYCHA buildings with the courtesy, professionalism, and respect to which all persons are entitled in their own homes. This procedure must be applied consistent with *Patrol Guide 212-11, "Investigative Encounters: Requests for Information, Common Law Right of Inquiry and Level 3 Stops."* *Patrol Guide 212-11* and the corresponding training materials establish the parameters for all investigative encounters irrespective of location of occurrence.

PROCEDURE To conduct interior patrols in NYCHA buildings. Uniformed members of the service shall frequently inspect the interior of Housing Authority buildings on assigned posts as follows:

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1. Notify Communications Section radio dispatcher, utilizing radio code 10-75I, and make an **ACTIVITY LOG (PD112-145)** entry of the time and street address upon entering the building.
2. Notify Video Interactive Patrol Enhanced Response (VIPER) unit by radio, if VIPER cameras present.

VIPER UNIT MEMBER

3. Advise uniformed member of conditions that:
 - a. Require attention
 - b. Significantly affect safety.
4. Provide ongoing assistance to uniformed member of the service performing interior patrol.

UNIFORMED MEMBER OF THE SERVICE

5. Inspect front, rear and other exterior doors and door locks, intercom system, and the interior of the lobby.
6. Inspect elevators and ascertain if they are operable.
 - a. Notify Housing Authority Emergency Service Department maintenance personnel of inoperable elevators.

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(continued)**

7. Document in **ACTIVITY LOG** whether signs prohibiting trespassing are legible and prominently displayed in areas where persons entering the building can readily see them.
 - a. If signs are missing, illegible or defaced, prepare a **FIELD REPORT (PD 313-1511)**.
8. Proceed to top floor of building by elevator, if operable, otherwise by using the stairs.
 - a. Patrol the roof, roof landing, elevator rooms, and any other accessible installations.
 - b. Patrol each floor, staircase and hallway within the building from the top floor to the ground floor.
 - c. Patrol all accessible basement areas.
9. Inspect elevator doors on each floor, taking immediate action when necessary.
 - a. Notify Housing Authority Emergency Service Department or NYPD Emergency Service Unit personnel immediately and remain at scene and secure location until unsafe condition has been corrected if:
 - (1) Elevator door glass is missing
 - (2) Outer elevator door opens when elevator is not present
 - (3) Any other dangerous condition concerning elevators exists.
10. Notify the Housing Authority in accordance with the procedure set forth in *P.G. 207-29, "Field Reports,"* by preparing a **FIELD REPORT** regarding:
 - a. Any damage or defect related to the intercom system, lobby door or lobby door lock
 - b. Any missing or defective signs, including signs that designate restricted areas and prohibit entry in those restricted areas, and/or any missing alarms to restricted areas
 - c. Any other condition that potentially compromises the safety or security of the building, its residents or authorized visitors
 - d. Violations of NYCHA "House Rules" and regulations.
11. Be alert for persons who may be violating Housing Authority rules and regulations within NYCHA property.
 - a. Upon encountering persons who are violating a Housing Authority rule, take appropriate police action pursuant to *P.G. 207-29, "Field Reports,"* unless there is a basis for criminal enforcement.
 - b. Observation of a violation of any Housing Authority rule, regardless of whether it is also a criminal offense, may, at a minimum, provide an officer with an objective credible reason to approach the person to inquire further.
 - c. Do not stop a person in accordance with *P.G. 212-11, "Investigative Encounters: Requests for Information, Common Law Right of Inquiry and Level 3 Stops,"* for a violation of Housing Authority rules unless the rule violation is also a criminal offense. Mere lingering in a common area, without more, is not a criminal offense for which a person may be stopped or arrested.

INTERIM ORDER NO. DRAFT 8

**UNIFORMED
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(continued)**

- d. Do not take police action pursuant to *P.G. 208-01, "Law of Arrest,"* for a violation of Housing Authority rules unless the rule violation is also a criminal offense.
- 12. Be alert for persons who may be engaged in criminal activity.
 - a. Conduct all investigative encounters in accordance with *P.G. 212-11, "Investigative Encounters: Requests for Information, Common Law Right of Inquiry and Level 3 Stops,"* and, if applicable, with the procedures for trespass investigations as set forth in step "13," below.
 - b. If a person is stopped, a **STOP REPORT (PD383-151)** shall be prepared pursuant to *P.G. 212-11, "Investigative Encounters: Requests for Information, Common Law Right of Inquiry and Level 3 Stops,"* and an **ACTIVITY LOG** entry shall be made to document the encounter.
 - (1) Check the appropriate box indicating the stop is related to a NYCHA building.
 - c. Take police action pursuant to *P.G. 208-01, "Law of Arrest"* or *Patrol Guide Series 209, "Summonses,"* only if there is probable cause to believe that a person committed a felony or misdemeanor or the person committed a violation in the officer's presence.

NOTE

Mere presence in or near a NYCHA building does not provide a basis to approach and conduct an investigative encounter, nor does it establish reasonable suspicion for a stop. When approaching a person based only on an objective credible reason (Level 1 Request for Information), members are prohibited from requesting consent to search the person.

- 13. Trespass Investigations: Be alert for persons who may be engaged in Criminal Trespass.
 - a. Level 1 Request for Information: If there is an objective credible reason to approach such a person based on observed behavior or other credible information, a member of the service may approach and ask in a non – threatening and non – accusatory manner:
 - (1) If he or she lives in the building
 - (2) If he or she is visiting someone in the building
 - (3) If he or she has business in the building.
 - b. Level 2 Common Law Right of Inquiry: If, based on the answers to questions in the initial encounter and/or observed behavior, there is a founded suspicion of Criminal Trespass, take reasonable measures to verify the person's authorization to be in the building.

NOTE

Do not use a tone or take steps that would create a situation where a reasonable person would not feel free to leave when there is less than reasonable suspicion that the person is a trespasser.

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(continued)**

- c. Level 3 Terry Stop: Stop a person in accordance with *P.G. 212-11, "Investigative Encounters: Requests for Information, Common Law Right of Inquiry and Level 3 Stops,"* and take reasonable measures to investigate only if there is reasonable suspicion to believe that the person has committed, is committing, or is about to commit Criminal Trespass. Such measures include, but are not limited to, the following:
 - (1) Temporarily detaining the person while another uniformed member visits the building resident whom the person claims to be visiting; and/or
 - (2) Requiring the person to accompany uniformed member to the apartment of the building resident whom the person claims to be visiting.

NOTE

Merely passing through a door that has a broken lock or that has been propped open does not, alone, constitute reasonable suspicion of criminal activity.

- d. Take police action pursuant to *P.G. 208-01, "Law of Arrest"* or *Patrol Guide Series 209, "Summonses,"* only if there is probable cause that the person committed Trespass. A reasonable investigation is ordinarily necessary to determine whether probable cause exists.
 - (1) Make **ACTIVITY LOG** entry describing the details of arrest/summons.
 - (2) Document investigative steps taken prior to making the arrest or issuing the summons including the factors used to determine that the person knowingly entered or remained unlawfully particularly if signs are not present or visible.
 - (3) Utilize Department-issued smartphone to photograph sign(s) prohibiting trespassing or document the warning and the location in **ACTIVITY LOG**.

NOTE

Even if there is probable cause to arrest a person for trespassing, officers may exercise their discretion to refrain from arresting that person, and instead instruct that person to leave under appropriate circumstances.

- e. In all cases when an arrest is made for Criminal Trespass, the arresting officer must:
 - (1) Prepare a **TRESPASS CRIMES – FACT SHEET (PD351-144)** and submit to the desk officer for review
 - (2) Prepare a **STOP REPORT**, if appropriate
 - (3) Prepare a **COMPLAINT REPORT (PD313-152)**.
14. Restricted Areas:
- a. Restricted areas are limited to those areas specifically designated as restricted by Housing Authority rules and regulations.

INTERIM ORDER NO. DRAFT 8

**UNIFORMED
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THE SERVICE
(continued)**

- b. In the absence of conspicuously posted rules, do not arrest a person for trespassing in a restricted area of a building (including the roof, roof landing or boiler room), unless probable cause is established that the person knows that their presence in the restricted area is prohibited (e.g., the member of the service knows that the person has been previously found in that same type of restricted area of a Housing Authority development, notwithstanding the fact it may have been a different Housing Authority development, based on the officer's prior experiences with the person or information communicated to the officer).
 - c. In the absence of such conspicuously posted rules or regulations, a person found on a roof or roof landing or in a boiler room, or any other restricted area, should be:
 - (1) Instructed to leave such area if he or she is a resident or authorized visitor and there is no other basis to arrest such person, or
 - (2) Instructed to leave the building if he or she is an unauthorized visitor and there is no other basis to arrest such person.
 - d. Prepare a **FIELD REPORT** anytime a person is observed in a restricted area and there are no conspicuously posted rules.
 - e. Any person may be arrested for trespassing on a roof or roof landing or in a boiler room or in any other restricted area if he or she refuses to leave after instructed.
- 15. Notify Communications Section radio dispatcher upon exiting the building and make an **ACTIVITY LOG** entry indicating the time the interior patrol was completed and any condition noted.
 - 16. Alternate between outside area patrol and interior patrol of Housing Authority grounds and buildings, unless otherwise directed.
 - 17. Patrol each building on assigned post.

**MEMBERS
ASSIGNED TO
RMP DUTIES**

- 18. Comply with above requirements, if not on an assignment, when available to perform interior patrol.

**PLATOON
COMMANDER/
PATROL
SUPERVISOR/
ASSIGNED
SUPERVISOR**

- 19. Instruct uniformed members performing interior patrol that, absent exigent circumstances, two or more uniformed members must remain together at all times.
- 20. Ensure all interior patrols are performed in an appropriate manner with special attention to:
 - a. Proper tactics
 - b. Required equipment (e.g., serviceable flashlight, O.C. spray, etc.)
 - c. Radio transmissions
 - d. Proper documentation (e.g., **ACTIVITY LOG** entry, **STOP REPORT, WHAT IS A STOP? [PD383-153]** informational card, **FIELD REPORT** etc.).

INTERIM ORDER NO. DRAFT 8

- DESK OFFICER**
21. Ensure that the completed **TRESPASS CRIMES – FACT SHEET** is included in the arrest package for all arrests that include a charge of Criminal Trespass.
 22. Review the **TRESPASS CRIMES – FACT SHEET** for accuracy and completeness and endorse in the appropriate space on the form.
 - a. Have **TRESPASS CRIMES – FACT SHEET** photocopied.
 - b. Return original **TRESPASS CRIMES – FACT SHEET** to the arresting officer for inclusion in the arrest package.
 23. Have photocopies of **TRESPASS CRIMES – FACT SHEETS** placed in chronological order in a binder and maintained at the desk.

- PSA/PRECINCT COMMANDING OFFICER**
24. Review available sources and identify buildings which are in need of increased interior patrols.
 25. Assign and direct members to perform patrols at directed locations.

ADDITIONAL DATA

During the course of an interior patrol, members of the service are likely to encounter other persons in the building. While detecting trespassers inside NYCHA buildings is an important public safety function, it is equally critical that members of the service treat residents and their guests with courtesy, professionalism and respect at all times.

If a member of the service has reason to seek to determine if a person is authorized to be in the building, the member may ask for the person's voluntary cooperation. When feasible and consistent with safety, advise the person that the purpose of the interior patrol is to keep the building safe and ensure that only tenants and their invited guests are within the building, and advise the person that he or she is free to leave (unless the person is under arrest or detained in a Level 3 stop). A person's refusal or inability to produce identification or provide information does not elevate the level of the encounter. However, if the individual refuses or is unable to explain his or her presence in the building, the member may instruct the person that he or she must leave the building or be subject to arrest for trespass.

RELATED PROCEDURES

*Complaint Reporting System (P.G. 207-01)
Field Reports (P.G. 207-29)
Law of Arrest (P.G. 208-01)
Arrests – General Processing (P.G. 208-03)
Investigative Encounters: Requests for Information, Common Law Right of Inquiry and Level 3 Stops (P.G. 212-11)
Interior Patrol of Multiple Dwelling Buildings Enrolled in the Trespass Affidavit Program (P.G. 212-59)
Summonses (P.G. 209 Series)*

FORMS AND REPORTS

ACTIVITY LOG (PD112-145)
COMPLAINT REPORT (PD313-152)
FIELD REPORT (PD313-1511)
STOP REPORT (PD383-151)
TRESPASS CRIMES – FACT SHEET (PD351-144)
WHAT IS A STOP? (PD383-153)

INTERIM ORDER NO. DRAFT 8

5. Upon publication, this Interim Order has been incorporated into the On-Line Patrol Guide.

6. Any provisions of the Department Manual or other Department directive in conflict with the contents of this Order are suspended.

BY DIRECTION OF THE POLICE COMMISSIONER

DISTRIBUTION

All Commands

INTERIM ORDER NO. DRAFT 8