



DRAFT INTERIM ORDER

SUBJECT: REVISION TO ADMINISTRATIVE GUIDE 303-27, "TRESPASS AFFIDAVIT PROGRAM" AND PATROL GUIDE 202-26, "CRIME PREVENTION OFFICER"		
DATE ISSUED:	REFERENCE:	NUMBER:
03-14-16	*A.G. 303-27 AND P.G. 202-26	DRAFT 1

1. In order to enhance the effectiveness and documentation of interior patrols conducted in multiple dwelling buildings that participate in the Department's Trespass Affidavit Program (TAP), Administrative Guide 303-27, "Trespass Affidavit Program" has been revised. In addition, the **TRESPASS CRIMES - FACT SHEET (PD351-144)** has been revised and will be prepared in every instance where a uniformed member of the service effects an arrest for trespass, including in any building participating in the Trespass Affidavit Program. Uniformed members are reminded that the **TRESPASS CRIMES - OWNER'S AFFIDAVIT (PD651-051)** will continue to be utilized for TAP buildings in the Bronx, Brooklyn, Staten Island and Queens (the New York County District Attorney's Office manages a Trespass Affidavit Program in Manhattan and utilizes its own supporting affidavits). Commands may not alter the content of these forms for any purpose and may not use any form other than **TRESPASS CRIMES - OWNER'S AFFIDAVIT** to enroll a building in the Trespass Affidavit Program. Any request from a District Attorney's Office to make changes to either of these forms must first be referred to the Legal Bureau.

2. Therefore, effective immediately, Administrative Guide 303-27, "Trespass Affidavit Program" is **SUSPENDED** and the following procedure will be complied with:

PURPOSE To obtain authorization from a multiple dwelling building's owner/authorized agent to conduct interior patrols, in buildings that are not owned by the New York City Housing Authority.

SCOPE Authorization for interior patrol, the tactically planned patrol of the interior hallways, stairways and rooftops of multiple dwelling buildings is obtained through the Department's Trespass Affidavit Program. Patrolling multiple dwelling buildings for criminal activity, including trespassing under the Trespass Affidavit Program, is a valuable problem-solving tool, as well as an important component of the Department's crime reduction strategy.

PROCEDURE When recent incidents, including but not limited to, criminal activity and/or complaints at or near a residential multiple dwelling building within the last 12 months indicate that the Department's Trespass Affidavit Program would be useful:

CRIME PREVENTION OFFICER

1. Confer with members of the community and analyze current crime trends to identify multiple dwelling buildings appropriate for the Trespass Affidavit Program.
2. Confer with the commanding officer to ensure that the buildings enrolled in the Trespass Affidavit Program can be patrolled with sufficient frequency to reduce criminal activity and/or address community complaints at these residential multiple dwelling buildings.

**CRIME
PREVENTION
OFFICER
(continued)**

3. Obtain authorization, except in Manhattan, from the multiple dwelling building's owner/authorized agent to participate in the Trespass Affidavit Program.
 - a. Have the owner/authorized agent sign a **TRESPASS CRIMES - OWNER'S AFFIDAVIT (PD651-051)** which authorizes the Department to conduct interior patrols for a period of six months.
 - b. Ensure that **TRESPASS CRIMES – OWNER'S AFFIDAVIT(S)** or New York County District Attorney Trespass Affidavits, as appropriate, are properly signed and permit the arrest of persons in the building who are not:
 - (1) Residents; OR
 - (2) Guests; OR
 - (3) Otherwise authorized to be in the building.
 - c. Participating owners/authorized agents must post signs informing all persons entering, in substance, that trespassing is prohibited.
 - d. The signs should be posted in areas where persons entering the building can readily observe them. Suggested locations for these signs include, but are not limited to, the vestibule entrance, vestibule, above the elevator, courtyard, roof, any restricted area and other common areas.

NOTE

The crime prevention officer will notify the building's owner/authorized agent if it is reported that the signs are missing, illegible or defaced.

- e. Obtain from the owner/authorized agent the keys to the building.
4. Prior to the expiration of a building's six-month enrollment in the program, confer with members of the community and analyze current crime trends to determine if the condition has been corrected or if a continuation of interior patrols in the building is warranted.
5. If additional interior patrols are necessary, recommend to the commanding officer that the building be enrolled for another six-month period.
6. Evaluate any requests to renew enrollment and determine whether the building would benefit from six more months of interior patrols before the **TRESPASS CRIMES - OWNER'S AFFIDAVIT** or New York County District Attorney Trespass Affidavit, as appropriate, expires.

NOTE

Prior to the expiration of a building's first six months in the program, the command's crime prevention officer or another member of service as designated by the commanding officer, will evaluate whether to renew a building's participation in the program for an additional six months. This determination should be based on recent incidents, including but not limited to criminal activity and complaints during the preceding six month period.

**COMMANDING
OFFICER**

7. Prior to the expiration of a building's second consecutive six month enrollment in the Trespass Affidavit Program, determine whether to renew the building's participation in the program for another six months, based on recent incidents, including but not limited to criminal activity and complaints during the preceding six month period.

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COMMANDING OFFICER (continued)

- a. Submit a report on **Typed Letterhead** notifying the borough commander whenever a determination is made to continue enrollment beyond one year indicating the basis for the decision.
- 8. Direct the crime prevention officer or other designated member of the service to complete the renewal of participation in the Trespass Affidavit Program by fulfilling the requirements of step “3.”
- 9. Whenever a building is not renewed for participation in the TAP program, have the building owner/authorized agent instructed to notify the residents in writing.
- 10. Submit a quarterly report on **Typed Letterhead** to the Chief of Patrol through channels, identifying those buildings that were evaluated and the final determination for each building.

PATROL BOROUGH COMMANDER

- 11. Review the request to renew enrollment of building in the program beyond one year.
- 12. Make a recommendation to the Chief of Patrol.

CHIEF OF PATROL

- 13. Review requests to renew participation in the Trespass Affidavit Program for any building beyond one year.

CRIME PREVENTION OFFICER

- 14. Maintain copies of **TRESPASS CRIMES – OWNER’S AFFIDAVIT(S)** or New York Country District Attorney’s supporting affidavits, as appropriate.
- 15. Maintain a current list of Trespass Affidavit Program buildings containing the following information:
 - a. Address and description of location
 - b. Nature of problem(s) or condition(s)
 - c. Times when illegal activity is prevalent
 - d. The expiration date for the affidavit.
- 16. Ensure that the following are accessible to the desk officer at all times:
 - a. **TRESPASS CRIMES – OWNER’S AFFIDAVIT(S)** or New York County District Attorney's supporting affidavits, as appropriate
 - b. **TRESPASS CRIMES - FACT SHEET(S) (PD351-144)**
 - c. List of current Trespass Affidavit Program buildings.
- 17. Contact the Legal Bureau for approval if a District Attorney’s Office makes a request to modify either the **TRESPASS CRIMES - OWNER’S AFFIDAVIT** or the **TRESPASS CRIMES - FACT SHEET**.

ADDITIONAL DATA

Commanding officers may utilize precinct community affairs officers and/or neighborhood coordination officers (NCOs) to assist in identifying buildings that are appropriate for the Trespass Affidavit Program. Special care should be taken to enroll multiple dwelling buildings that have both demonstrated a specific need for interior patrol based on complaints and an owner/authorized agent committed to providing secured access to the building and willing to comply with the requirements of the program.

The Community Affairs Bureau, Crime Prevention Division will offer resources (e.g., organize tenant patrol, physical survey of building, etc.) to eradicate existing illegal activity and deterrence from future occurrences.

ADDITIONAL DATA
(continued)

The **TRESPASS CRIMES – OWNER’S AFFIDAVIT (PD651-051)** will be utilized for Department Trespass Affidavit Program buildings in the Bronx, Brooklyn, Staten Island and Queens. The New York County District Attorney’s Office manages a Trespass Affidavit Program in Manhattan and utilizes its own supporting affidavits. Therefore, to enroll a multiple dwelling building in Manhattan, members of the service should refer the owner/authorized agent to the New York County District Attorney’s Community Affairs Unit.

The **TRESPASS CRIMES - FACT SHEET (PD351-144)** will be prepared in every instance where a uniformed member of the service effects a trespass arrest including in any building participating in a Trespass Affidavit Program.

For Trespass Affidavit Program buildings in New York County, the crime prevention officer will act as liaison to the New York County District Attorney’s Community Affairs Unit. All Department and New York County District Attorney Trespass Affidavit Program affidavits expire six months from the date the owner/authorized agent signed affidavit.

RELATED PROCEDURES

Interior Patrol of Multiple Dwelling Buildings Enrolled in the Trespass Affidavit Program (P.G. 212-59)

FORMS AND REPORTS

TRESPASS CRIMES - OWNER'S AFFIDAVIT (PD651-051)
TRESPASS CRIMES - FACT SHEET (PD351-144)

3. Patrol Guide 202-26, Crime Prevention Officer” is amended as follows:
 - a. **ADD** new step “**19**,” opposite “CRIME PREVENTION OFFICER,” on page “**2**” to read:

“**CRIME PREVENTION OFFICER** **19. Administer the Trespass Affidavit Program in accordance with Administrative Guide 303-27, ‘Trespass Affidavit Program’.**”

4. Commands will requisition the following revised form with the revision date of [Rev. XX-XX] through the Quartermaster Section using the following information:

<u>INDEX NUMBER</u>	<u>PD NUMBER</u>	<u>TITLE</u>
XXXX	PD351-144 [Rev. XX-XX]	TRESPASS CRIMES - FACT SHEET

5. Effective immediately, existing copies of the above listed form with a revision date prior to [Rev. XX-XX] are **OBSOLETE** and should be destroyed upon receiving the revised Department form.

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

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

BY DIRECTION OF THE POLICE COMMISSIONER

DISTRIBUTION

All Commands

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