

# Attachment 6

# **TRESPASS AFFIDAVIT PROGRAM**

## **PRIVATE BUILDINGS**

**INTERIOR PATROL OF MULTIPLE  
DWELLING BUILDINGS IN THE  
TRESPASS AFFIDAVIT PROGRAM**

# LEARNING OUTCOMES

1. Describe the authority granted to the member of the service by the landlord in *Trespass Crimes-Owner's Affidavit*
2. Identify the appropriate response and tactics used to conduct an interior patrol of privately owned multiple dwelling buildings enrolled in the Trespass Affidavit Program.
3. Describe the legal standards required when approaching and asking questions of a person inside or outside a TAP building.
4. Demonstrate the requirements for, and the proper preparation of, *Trespass Crimes-Fact Sheet*, the *Stop, Question and Frisk Report Worksheet* (if necessary) and required *Activity Log* entries.

# **TRESPASS AFFIDAVIT PROGRAM**

- Interior patrol of private multiple dwelling buildings
- Building owner authorizes the interior patrol
  - UMOS must have building owner's permission to patrol the building
- Respond to the designated location as directed
- Utilize radio code 10-751 and make Activity Log entry upon arrival

# **TRESPASS AFFIDAVIT PROGRAM**

- **Upon arrival, document whether proper signage is displayed and legible**
- **Proceed to the top floor of building, in pairs, and conduct inspection of roof and landing, elevator room and other installations**
- **Patrol each floor, staircase and hallway from top to bottom, including the basement.**
- **Be alert for person who may be engaged in criminal activity.**

# TRESPASS AFFIDAVIT PROGRAM

- Mere presence near, entry into, or exit out of a building enrolled in the Trespass Affidavit Program is not an objective credible reason to approach an individual.
- If an officer has an objective credible reason to approach an individual, you may approach the individual to ask:
  - If he or she lives in the building
  - If he or she is visiting someone in the building
  - If he or she has business in the building
- These questions can only be asked if they are related to the reason for the approach and if they are asked in a non-threatening and non-accusatory matter.

# **TRESPASS AFFIDAVIT PROGRAM**

**Based on answers to questions in an initial encounter, an officer may take measures to verify authority to be present in a building**

- Inspect and return I.D.
- Request key to building or apartment
- Request apartment number where person resides or is visiting
- Communicate with building resident
- Ask person to call a resident

**Individual may leave the building, unless officer has reasonable suspicion to detain; leaving the building, remaining silent or refusing to answer questions does not support reasonable suspicion**

# TRESPASS AFFIDAVIT PROGRAM

## REASONABLE SUSPICION

- Reasonable suspicion is required to stop and detain a person. Under the Fourth Amendment, a person is “stopped” if under the circumstances a reasonable person would not feel free to walk away.
- A stop may only be conducted when an officer has *individualized, reasonable suspicion that the subject is committing, has committed, or is about to commit a felony or Penal Law misdemeanor.*
- An individual approached should not be detained and is under no obligation to answer questions unless you can articulate that you have reasonable suspicion to detain the person.



# TRESPASS AFFIDAVIT PROGRAM

## CRIMINAL TRESPASS

- **If unable to verify authority to be the building, officer may instruct person that he or she must leave the building, and that refusal may result in arrest for Criminal Trespass**
- **If still unable to determine authority to be in the building and person refuses to leave the building, officer make arrest, per P.G. 208-1 *Law of Arrest***

# **TRESPASS AFFIDAVIT PROGRAM**

## **REPORTING AND DOCUMENTATION**

- 1. When A Trespass Arrest Is Made, Prepare:**
  - **Trespass Crimes- Fact Sheet**
    - Describe factors leading to the approach and questioning of the person arrested
    - Describe facts that were important to establish probable cause
  - **Detailed Activity Log entry**
  - **If arrest was preceded by a Level 3 stop, prepare Stop, Question and Frisk Report Worksheet.**
- 2. Trespass Crimes- Owner's Affidavit (PD651-051) must be included in arrest package**
- 3. Notify the radio dispatcher upon exiting building**

# **TRESPASS AFFIDAVIT PROGRAM**

## **Department Policy:**

**All officer inquiries, interactions and enforcement activities in residential multiple dwellings enrolled in the Department's Trespass Affidavit Program must be conducted with the courtesy, professionalism and respect to which all persons are entitled in their own homes.**