



## DRAFT OPERATIONS ORDER

SUBJECT: <b>PILOT PROGRAM - TRESPASS AFFIDAVIT PROGRAM (TAP) MONTHLY ASSESSMENT - PATROL BOROUGH BRONX</b>	
DATE ISSUED:	NUMBER:
<b>05-25-16</b>	<b>DRAFT 5</b>

1. Effective immediately, precincts within Patrol Borough Bronx will review Level 3 stops for criminal trespass conducted directly **inside of, outside of, rear of, and/or adjacent** to buildings enrolled in the Trespass Affidavit Program (TAP), and will record the results on the new Department form entitled, "**Monthly Assessment Report Stops at TAP Buildings – Bronx**" (see Appendix "A").

2. Therefore, in order to ensure precincts within Patrol Borough Bronx review the constitutionality of Level 3 stops for criminal trespass inside of, outside of, rear of, and/or adjacent to TAP buildings, the following new procedure will be complied with:

**PURPOSE** To review the constitutionality of Level 3 stops for criminal trespass conducted directly inside of, outside of, rear of, and/or adjacent to buildings enrolled in the Trespass Affidavit Program (TAP) and record the results of the review on the **Monthly Assessment Report Stops at TAP Buildings – Bronx**.

**PROCEDURE** When conducting a review of Level 3 stops for criminal trespass inside of, outside of, rear of, and/or adjacent to buildings enrolled in the Trespass Affidavit Program (TAP):

**INTEGRITY CONTROL OFFICER**

1. Determine the number of **STOP, QUESTION AND FRISK REPORT WORKSHEETS (PD344-151A)** prepared for criminal trespass Level 3 stops conducted directly inside of, outside of, rear of, and/or adjacent to buildings enrolled in TAP.
2. Account for all of the **WORKSHEETS** prepared.
  - a. Select for review in sequential order, either the first 20 or last 20 **WORKSHEETS** prepared for the month, if between 20 and 100 **WORKSHEETS** were prepared
  - b. Select for review in sequential order, either the first 20 percent or last 20 percent of **WORKSHEETS** prepared for the month, if more than 100 **WORKSHEETS** were prepared
  - c. Select all **WORKSHEETS** for review if fewer than 20 **WORKSHEETS** were prepared.
3. Review the selected **WORKSHEETS** and the corresponding **ACTIVITY LOG (PD112-145)** entries of uniformed members of the service for the constitutionality of the stop, the frisk, if conducted, the search, if conducted, and any force, if used.
  - a. Examine each **WORKSHEET** to ensure completeness.
  - b. Determine whether the stop, as articulated on the **WORKSHEET** and the **ACTIVITY LOG**, was based upon reasonable suspicion and whether the uniformed member of the service preparing the **WORKSHEET** documented the circumstance of the stop in their **ACTIVITY LOG**. If the person was frisked, determine whether the frisk was supported by a reasonable suspicion that the person

**INTEGRITY  
CONTROL  
OFFICER  
(continued)**

was armed and dangerous; if searched, whether there was a sufficient basis for the search, and if force was used, whether the force was reasonable under the circumstances.

**NOTE**

*In making these determinations, consider whether the facts and information as conveyed by the member and recorded on the **WORKSHEET** and in **ACTIVITY LOG** support the conclusion that the member's actions were reasonable.*

4. Confer with the uniformed member of the service who prepared a deficient **WORKSHEET** and instruct member on:
  - a. The constitutional basis of conducting a stop, frisk, and search
  - b. The Department's policy on use of force
  - c. The Department's policy on conducting stops inside of, outside of, rear of, and/or adjacent to TAP buildings
  - d. Documenting appropriate **ACTIVITY LOG** entries.
5. Confer with the immediate supervisor of uniformed member of the service requiring corrective guidance, as well as, any supervisor signing off on a **WORKSHEET** that does not describe reasonable suspicion for the stop, or reasonable suspicion for the frisk, if conducted, and search, if conducted, on the **WORKSHEET** and in **ACTIVITY LOG**.
6. Ensure uniformed member of the service and supervisor are retrained by the precinct training sergeant on the constitutionality of stops, frisks and searches and record the training on the **Monthly Assessment Report Stops at TAP Buildings – Bronx**.
  - a. Take disciplinary action when appropriate.
7. Confer with the precinct training sergeant to determine individual training needs.
8. Document each review conducted of the constitutionality of the stop, frisk and search, as well as, the conferral with the uniformed member of the service preparing the **WORKSHEET** and **ACTIVITY LOG** and the reviewing supervisor, on the **Monthly Assessment Report Stops at TAP Buildings – Bronx**.
  - a. Attach a copy of the reviewed **WORKSHEET** and a copy of the **ACTIVITY LOG** entry to the **Monthly Assessment Report Stops at TAP Buildings – Bronx**.
9. Forward the **Monthly Assessment Report Stops at TAP Buildings – Bronx** and attachments to the borough executive officer by the 10<sup>th</sup> of the following month.
  - a. Detail all steps taken to improve the constitutionality of stops, frisks and searches made, including any training and/or any disciplinary action taken.
  - b. Include negative reports.

- TRAINING SERGEANT**
10. Conduct command level training to ensure compliance with the Department’s policy regarding TAP.
- a. Periodically review and identify precinct-wide training needs, individual training needs and necessary remedial actions.
  - b. Record training sessions in the command training log indicating the subject of the training, as well, as the identities of the participating uniformed members of the service
- COMMANDING OFFICER**
11. Assume responsibility for the integrity of the administration of TAP.
- a. Consult with executive officer, integrity control officer, platoon commanders, special operations lieutenant, training sergeant, and patrol/unit supervisors to ensure the constitutionality and effectiveness of TAP.
  - b. Ensure that **Monthly Assessment Report Stops at TAP Buildings – Bronx** and all attachments are forwarded to the borough executive officer by the 10<sup>th</sup> of the following month.
- BOROUGH EXECUTIVE OFFICER**
12. Ensure that each precinct submits a **Monthly Assessment Report Stops at TAP Buildings – Bronx** and oversee the proper execution of this pilot program.
13. Review all of the **Monthly Assessment Report Stops at TAP Buildings – Bronx**.
14. Endorse and forward all of the **Monthly Assessment Report Stops at TAP Buildings – Bronx** with appropriate recommendations to Chief of Patrol, Resource Management Section by the 15<sup>th</sup> of the month.
- CHIEF OF PATROL, RESOURCE MANAGEMENT SECTION**
15. Endorse and forward all documents to the Risk Management Bureau.
16. Retain copy of all documents for file.

3. Integrity control officers in participating precincts will photocopy and use **Monthly Assessment Report Stops at TAP Buildings – Bronx** (Appendix “A” of this Order) as necessary.

4. Commanding officers of precincts within Patrol Borough Bronx will ensure that the contents of this Order are brought to the attention of members of their commands.

**BY DIRECTION OF THE POLICE COMMISSIONER**

**DISTRIBUTION**  
All Commands

**OPERATIONS ORDER NO. DRAFT 5**



**MONTHLY ASSESSMENT REPORT  
STOPS AT TAP BUILDINGS – BRONX**

**APPENDIX “A”**

Precinct \_\_\_\_\_

Serial Number	Date ( <i>Stop Conducted</i> )	Tax ID of UMOS	Date of Conferral with UMOS	Findings ( <i>for each stop reviewed</i> ); Describe	Corrective Action ( <i>if any</i> ); Describe	Tax ID of Supervisor	Date of Conferral with Supervisor (if any)

Precinct Integrity Control Officer's Name

Signature

Date

Commanding Officer's Officer's Name

Signature

Date