

Approved by Monitor, 5/15/17

# **INTERIOR PATROL**



# LEARNING OUTCOMES

- 1. Explain how to conduct interior patrols of NYCHA buildings and private buildings enrolled in the Trespass Affidavit Program (TAP).**
- 2. Demonstrate the limits and appropriate use of the four levels of encounters under People v. DeBour in the context of interior patrols.**
- 3. Demonstrate the proper preparation of a Trespass Crimes Fact Sheet for arrests for trespass in NYCHA or TAP buildings.**
- 4. Demonstrate appropriate procedures for conducting a trespass investigation**
- 5. Explain the procedures to take when confronted with a disabled elevator in a NYCHA building.**
- 6. Identify the circumstances when a field report will be prepared in a NYCHA building.**
- 7. Explain the NYCHA Trespass Notice Program and how to process arrests related to this program.**
- 8. Identify the proper steps to take when responding to building fires.**

# **INTERACTIONS WITH THE PUBLIC**

**When conducting an interior patrol:**

- **Know your legal boundaries**
- **Ensure interactions are positive, whenever possible**
- **Remember that most people you encounter will be law-abiding residents and guests (potential allies)**
- **Use professional language and tone**
- **Approach with courtesy, professionalism, and respect to which all persons are entitled in their own homes**

# **INTERIOR PATROL OF NYCHA BUILDINGS**

Tactically planned inspection of lobby, interior hallways, stairways, basements, elevators and rooftops of all NYCHA buildings on your post

To assist NYCHA in enforcing its rules, limiting criminal activity, providing a safe and secure environment and ensuring the habitability of its residential buildings

## **Directed**

- To take corrective action
- Search for missing/lost child
- Search for suspects

## **Random**

- Routine patrol to inspect common areas

# **INTERIOR PATROL OF TRESPASS AFFIDAVIT PROGRAM BUILDINGS**

- Interior patrol of private multiple dwelling buildings enrolled in the Trespass Affidavit Program
- Building owner authorizes the interior patrol through Trespass Crimes - Owner's Affidavit (PD651-051)
  - UMOS must have building owner's permission to patrol the building
  - Supervisor must ensure that Trespass Crimes – Owner's Affidavit was signed within the last six months

# **INTERIOR PATROL**

- **Upon arrival, notify Communications Section utilizing radio code 10-75I and make Activity Log entry identifying time and street address.**
- **In NYCHA context, notify VIPER if practical.**
- **Document whether proper signage is displayed and legible.**
- **Inspect lobby area. In pairs, proceed to top floor. Inspect roof and landing and any elevator rooms.**
- **Patrol each staircase and hallway of each floor from the top floor down to the ground floor.**
- **Utilize your flashlight in dark areas.**
- **Lower the volume on your radio and secure loose keys.**
- **Inspect all accessible basement areas.**
- **Be alert for persons who may be engaged in criminal activity.**
- **Notify Communications upon completion of interior patrol.**

# INTERIOR PATROL

Be alert for persons who may be engaged in criminal trespass.

If there is an objective credible reason to approach such a person based on observed behavior or other credible information:

Approach the individual to ask in a non-threatening and non-accusatory manner:

- 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
- **Mere presence near, entry into, or exit out of a building is not an objective credible reason to approach an individual.**

# INTERIOR PATROL

- **If based on the answers to questions in an initial encounter, there is a founded suspicion of criminal trespass, take reasonable measures to verify the person's authority to be present in the building.**
  - Inspect and return I.D.
  - Request apartment number where person resides or is visiting
  - Communicate with building resident
  - Ask person to call a resident
- **Questions should not be asked in a manner whereby a reasonable person would believe that they are not free to leave. Police officers can be intimidating, and the manner of your questioning may cause a reasonable person to feel like he or she cannot terminate the encounter and walk away.**



# **INTERIOR PATROL**

- **An individual may leave the building, unless the officer has reasonable suspicion to detain. Leaving the building, remaining silent, or refusing to answer questions does not elevate the level of the encounter.**
- **If the person leaves, make an Activity Log entry. In the NYCHA context, also prepare a Field Report.**

# INTERIOR PATROL

## 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 should not be detained and is under no obligation to answer questions unless you can articulate your reasonable suspicion to detain the person.

# **INTERIOR PATROL**

- **If there is reasonable suspicion to believe the person has, is, or is about to commit criminal trespass take reasonable measures to investigate such as:**
  - **Temporarily detaining the person while another UMOS visits the building resident whom the person claims to be visiting and/or**
  - **Requiring the person to accompany UMOS to the apartment of the building resident whom the person claims to be visiting**

# INTERIOR PATROL

- **If you suspect the person does not have authority to be in the building, but the person cannot or refuses to explain his or her presence in the building, and you are unable to verify the person's authority to be in the building, you may instruct that person that he or she must leave the building, and that refusal may result in arrest for Criminal Trespass. However, you may only arrest the person if there is probable cause to believe that the person committed a trespass.**
- **A reasonable investigation is ordinarily necessary to determine whether probable cause exists.**
- **A person's refusal or inability to produce identification or provide information does not elevate the level of encounter.**

# INTERIOR PATROL

- **Take police action pursuant to P.G. 208-1 *Law of Arrest* or P.G. 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.**
- **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.**

# INTERIOR PATROL

## 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 report.**
2. **In TAP context, Trespass Crimes - Owner's Affidavit (PD651-051) must be included in arrest package.**
3. **Notify the radio dispatcher upon exiting building.**

# **NYCHA-SPECIFIC PROCEDURES**



# **DUTIES OF A PSA OFFICER**

**Frequent inspection and patrol of NYCHA facilities**

**Interior patrol of NYCHA residential building to which assigned**

**Members of Patrol Services Bureau (PSB) may also patrol NYCHA facilities**

**All officers conducting police activity on NYCHA property will assist NYCHA and the NYPD in:**

- **Enforcing NYCHA rules**
- **Limiting criminal activity**
- **Providing a safe and secure environment for residents and guests**



# **NYCHA RULES**

- **Upon encountering persons who are violating Housing Authority rules, fill out a Field Report unless there is basis for criminal enforcement**
- **Observation of a violation of any Housing Authority rule, at a minimum, provides an officer with an objective credible reason to approach**
- **Do not stop a person in accordance with PG 212-11 for a violation of a Housing Authority rule 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**

# RESTRICTED AREAS

- **Restricted Areas are specifically designated by Housing Authority rules and regulations**
- **Do not arrest a person on the basis of trespassing in a restricted area of a building – including the roof, roof landing, or boiler room- in the absence of *conspicuously posted* rules, unless the officer knows or has other credible information that the person knows that their presence in the restricted area is prohibited**

# **RESTRICTED AREAS**

- **If an officer encounters a building resident in a restricted area, such as the roof or roof landing, and there is no other basis to arrest such person, the officer should exercise such discretion and ask the resident to leave the restricted area. Such discretion need not be exercised if the officer knows that the resident had previously been instructed to leave that particular restricted area.**
- **You may arrest someone for trespassing who is in a restricted area if he or she refuses to leave after instructed**

# DISABLED ELEVATOR

- **Inspect elevator doors on each floor**
- **Notify immediately:**
  - **Housing Authority Emergency Service Department**
  - **NYPD Emergency Service Unit (occupied or dangerous)**
  - **Ambulance (if occupied)**
- **Remain with elevator until condition corrected if:**
  - ✓ **Elevator glass is missing**
  - ✓ **Outer door is open – no elevator present**
  - ✓ **Other dangerous elevator condition**

# **FIELD REPORTS**

## **REPORT (NON-CRIMINAL) CONDITIONS ON NYCHA PROPERTY**

- **DISABLED ELEVATORS**
- **DAMAGED OR DEFECTIVE DOOR LOCKS OR INTERCOMS**
- **NOISE COMPLAINTS**
- **NON-SUSPICIOUS FIRES**
- **VIOLATIONS OF NYCHA RULES AND REGULATIONS**
- **DAMAGE TO PROPERTY (NON-CRIMINAL)**
- **MISSING OR DAMAGED “NO TRESPASSING” SIGNS**
- **ABANDONED OR DERELICT VEHICLES**
- **RESIDENT DISPUTES**

# **NYCHA TRESPASS NOTICE PROGRAM**

**Any person arrested for felony sale of controlled substance or marijuana**

**On any NYCHA development is excluded from entering NYCHA property**

**Except:** a NYCHA resident may still enter their own apartment and common areas of their resident development

# **PROCESSING ARRESTS FOR FELONY SALE OF CONTROLLED SUBSTANCES OR MARIJUANA**

- **Comply with general arrest procedures**
- **Prepare NYCHA TRESPASS NOTICE**
  - **Include log number obtained from housing bureau wheel**
- **Have defendant sign and date notice**
- **Make 5 copies of notice**
- **Serve defendant with 1 copy**
- **Upon service the defendant is excluded from NYCHA property**
- **Fax a copy to housing bureau wheel**
- **Prepare a “Trespass Notice Package”**

# RESPONSE TO FIRES BY UMOS

- Notify radio dispatcher upon arrival and inform of any pertinent details regarding the fire
- Communicate to FDNY at the scene the number of UMOS in the building and last known location
- Maintain communication with dispatcher and relay your location in building
- Use stairs to reach fire location (ascend in teams of two)
- DO NOT USE ELEVATORS
- Advise dispatcher of staircase being used
- Visually inspect stairwell and floor below fire floor for smoke or flames
- Note location of stairwells and exits



# RESPONSE TO FIRES BY UMOS

- Do not hold elevator cars
- Visually inspect hallway of fire floor before entering from stairwell
- Check the stairwell door for heat by placing the back of your hand on the door
- If heat, smoke or fire is detected do not enter the hallway
- If smoke or heat are suddenly present in your location tactically retreat

# **RESPONSE TO FIRES BY UMOS**

**IF YOU SUDDENLY ENCOUNTER SMOKE AND HEAT,  
DROP TO YOUR KNEES AND MOVE CLOSER TO THE  
WALL AND RETREAT TO A PREDETERMINED EXIT**

**Note: an unusually warm door or the presence of smoke are indicators that there is a fire in the hallway or in an apartment where a door has been left open. This can be extremely dangerous. Ensure the door between the stairwell and hallway remain closed to prevent the fire from spreading.**

# **RESPONSE TO FIRES BY UMOS**

**POLICE LINES AT FIRE SCENES, FOLLOWING PERSONS  
ALLOWED TO ENTER:**

- **POLICE / FIRE VEHICLES**
- **AMBULANCES**
- **MAYOR AND VEHICLE**
- **MEMBERS OF GOVERNMENTAL AGENCIES AND THEIR  
VEHICLES IN PERFORMANCE OF DUTY**
- **PERSONS HOLDING VALID UNEXPIRED PRESS  
CREDENTIALS**
- **EMPLOYEES OF PUBLIC SERVICE CORPORATIONS AND  
THEIR VEHICLES IN PERFORMANCE OF EMERGENCY  
DUTIES**
- **RED CROSS PERSONNEL IN PERFORMANCE OF DUTY**

# **SUMMARY**

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