

REVISED EXHIBIT C



PATROL GUIDE

Section: Command Operations		Procedure No: 212-60	
INTERIOR PATROL OF HOUSING AUTHORITY BUILDINGS			
DATE ISSUED:	DATE EFFECTIVE:	REVISION NUMBER:	PAGE: 1 of 6

PURPOSE

To assist the Housing Authority 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 (also sometimes referred to as “vertical patrols”) in a manner that respects the rights of Housing Authority residents and guests.

PROCEDURE

Uniformed members of the service shall frequently inspect the interior of Housing Authority buildings on assigned posts as follows:

UNIFORMED MEMBER OF THE SERVICE

1. Notify Communications Section, 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, mailboxes and the interior of the lobby.
 - a. Prepare a **FIELD REPORT (PD313-1511)** and notify the Housing Authority, in accordance with the procedure set forth in *P.G. 207-29, “Field Reports,”* regarding any damaged or defective lobby door or door lock that compromises the security of the building, damaged or defective intercom system, or any other condition that potentially compromises the safety or security of the building, its residents or other authorized visitors.
6. Inspect elevators and ascertain if they are operable.
 - a. Notify Housing Authority Emergency Service Department maintenance personnel of inoperable elevators.
7. Proceed to top floor of building by elevator, if operable, otherwise by using the stairs.
 - a. Use staircase to gain access to the roof of the building.
8. Conduct inspection of roof, roof landing, elevator rooms, and any other installations.
 - a. Prepare a **FIELD REPORT (PD313-1511)** regarding any missing or defective signs that designate restricted areas and prohibit entry in those restricted areas, and/or any missing alarms to restricted areas.

PATROL GUIDE

PROCEDURE NUMBER:	DATE EFFECTIVE:	REVISION NUMBER:	PAGE:
212-60			2 of 6

9. Patrol each floor, staircase and hallway within the building from the top floor to the ground floor.
10. 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.
11. Inspect all accessible basement areas.
12. Prepare a **FIELD REPORT (PD313-1511)** for any defective building conditions or missing or defective signs.
13. Be alert for persons who may be violating Housing Authority rules and regulations, including potentially unauthorized persons within NYCHA property.
14. Upon encountering persons who are violating a Housing Authority rules, take appropriate police action pursuant to *P.G. 207-29, "Field Reports,"* unless there is a basis for criminal enforcement.
 - a. Officers may not conduct a reasonable suspicion stop pursuant to P.G. 212-11 "Stop and Frisk" or arrest any person 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. However, an officer's 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 a credible reason to approach the person to inquire further and thereafter complete a Field Report.
 - b. A person is stopped, or temporarily detained, if a reasonable person under the facts and circumstances presented would feel that he or she is not free to disregard the police and continue on their way.

NOTE

All officer inquiries, interactions, and enforcement activities in Housing Authority buildings must be conducted with the courtesy, professionalism, and respect to which all persons are entitled in their own homes.

15. Be alert for persons who may be engaged in criminal activity (including potential trespassers), based on observed behavior or other credible information, and upon encountering such persons:
 - a. Approach the person(s) and ask:
 - (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. Take reasonable measures to verify the person's authorization to be in

PATROL GUIDE

PROCEDURE NUMBER:	DATE EFFECTIVE:	REVISION NUMBER:	PAGE:
212-60			3 of 6

the building, including but not limited to:

- (1) Inspecting, and returning, identification; and/or
 - (2) Requesting a key to the building entrance doors or apartment door; and/or
 - (3) Requesting the apartment number where the person resides; and/or
 - (4) Requesting the name or apartment number of the person being visited.
- c. Reasonable suspicion is required to detain a person. The person questioned is under no legal obligation to answer the officer's questions and is free to leave the building unless the officer has reasonable suspicion to believe that the person has committed, is committing, or is about to commit a Penal Law felony or misdemeanor.
- d. Probable cause is required to make an arrest for trespass. If unable to determine whether the person is authorized to be in the building, the officer may instruct the person that he or she must leave the building, and that a refusal to comply may result in an arrest for trespass. If the officer remains unable to determine whether the person is authorized to be in the building, and the person refuses to exit the building, the officer may arrest the person for trespass.

NOTE

Mere presence near, entry into or exit out of a Housing Authority building, without more, is not sufficient to establish reasonable suspicion for a stop on suspicion of trespass nor is it an objective credible reason to approach and question any person.

A person's silence or refusal to provide information or identification when questioned by the police does not support reasonable suspicion to stop or probable cause to arrest.

16. Restricted Areas:
- a. Restricted areas are limited to those areas specifically designated as restricted by Housing Authority Rules and Regulations.
 - b. 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 (*e.g.* the officer 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

PATROL GUIDE

PROCEDURE NUMBER:	DATE EFFECTIVE:	REVISION NUMBER:	PAGE:
212-60			4 of 6

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.
 - (1) Prepare a **FIELD REPORT (PD313-1511)**
- d. 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.

17. An officer may not take police action pursuant to *P.G. 212-11, "Stop and Frisk"* unless there is reasonable suspicion to believe that a person has committed, is committing or is about to commit a Penal Law felony or misdemeanor.

- a. If a person is stopped, a **STOP, QUESTION AND FRISK REPORT WORKSHEET (PD344-151A)** shall be prepared pursuant to P.G. 212-11, "Stop and Frisk" and an ACTIVITY LOG entry shall be made in order to document the encounter.
- b. If a person is stopped on suspicion of trespass, take reasonable measures to investigate, including but not limited to:
 - (1) Inspecting, and returning, identification; and/or
 - (2) Requesting a key to the building entrance doors or apartment door; and/or
 - (3) Communicating with a building resident with whom the person claims to be visiting through the intercom system or in person; and/or
 - (4) Allowing the person stopped to call a resident to appear and verify his or her presence in the building; and/or
 - (5) Consulting with a Housing Authority employee who is familiar with residents.

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.

- 18. An officer may not take police action pursuant to *P.G. 208-01, "Law of Arrest"* unless there is probable cause to believe that a person has committed or is committing a Penal Law felony or misdemeanor.
 - a. Upon making an arrest for criminal trespass, prepare **COMPLAINT REPORT (PD313-152)**, and **TRESPASS CRIMES – FACT SHEET (PD351-144)** and make an **ACTIVITY LOG** entry in order to document the arrest. Prepare **STOP, QUESTION AND FRISK REPORT WORKSHEET (PD344-151A)**, if appropriate.

PATROL GUIDE

PROCEDURE NUMBER:	DATE EFFECTIVE:	REVISION NUMBER:	PAGE:
212-60			5 of 6

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.

19. Notify Communications Section upon exiting building and make an **ACTIVITY LOG** entry indicating time building inspection was completed and any condition noted.
20. Alternate between outside area patrol and interior patrol of Housing Authority grounds and buildings, unless otherwise directed.
21. Inspect each building on assigned post.

MEMBERS ASSIGNED TO RMP DUTIES

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

PSA/PRECINCT COMMANDING OFFICER

23. Review available sources and identify buildings which are in need of increased interior patrols.
24. Assign and direct members to perform patrols at directed locations.

PLATOON COMMANDER/ PATROL SUPERVISOR/ ASSIGNED SUPERVISOR

25. Assign at least two uniformed members of the service to conduct directed interior patrols.

NOTE

During the course of conducting directed interior patrols, officers shall be instructed that, absent exigent circumstances, two or more uniformed members of the service must remain together.

26. Ensure all interior patrols are performed in a satisfactory manner with specific attention to:
 - a. Effectiveness of patrols, including proper tactics
 - b. Compliance with all state and federal laws during civilian encounters
 - c. Radio transmissions
 - d. Proper documentation (*e.g.*, **ACTIVITY LOG** entries, **FIELD REPORTS**, **STOP, QUESTION AND FRISK REPORT WORKSHEETS**, etc.).

RELATED PROCEDURES

Complaint Reporting System (P.G. 207-01)
Field Reports (P.G. 207-29)
Law of Arrest (P.G. 208-01)
Stop and Frisk (P.G. 212-11)
Vertical Patrol (P.G. 212-59)

PATROL GUIDE

PROCEDURE NUMBER:	DATE EFFECTIVE:	REVISION NUMBER:	PAGE:
212-60			6 of 6

***FORMS AND
REPORTS***

ACTIVITY LOG (PD112-145)
COMPLAINT REPORT (PD313-152)
FIELD REPORT (PD313-1511)
STOP, QUESTION AND FRISK REPORT WORKSHEET (PD344-151A)
TRESPASS CRIMES – FACT SHEET (PD351-144)