

REVISED EXHIBIT E

**LESSON PLAN COVER SHEET**

COURSE: NYCHA Rules, Regulations & Signage	TRAINEE LEVEL: In-Service
LESSON: NYCHA Rules & Regulations (<i>Related to Patrol Guide 212-60, "Interior Patrol of Housing Authority Buildings" and "Field Reports, Patrol Guide 207-29"</i>)	TIME REQUIRED: 45 Minutes
PREPARED BY: NYPD Police Academy	DATE PREPARED: 12/2014
APPROVED BY: NYPD Legal Bureau	DATE APPROVED:
REVISED BY: NYPD Legal, In-Service Tactical Training	DATE REVIEWED/REVISED:
TRAINING NEED: To ensure that UMOS are familiar with the posted Rules & Regulations, which are restrictions put on NYCHA property, and the proper manner of performing interior patrols (also sometimes referred to as "vertical patrols") that respects the rights of NYCHA residents and guests.	
INSTRUCTIONAL GOAL: At the conclusion of this lesson, the student will possess essential information regarding posted Rules & Regulations which are restrictions put on NYCHA property and the proper performance of interior patrols that may result in civilian encounters so that the rights of NYCHA residents and guests are respected and that police-community relationships can be improved.	
PERFORMANCE OBJECTIVES: At the completion of this lesson the student will be able to: <ol style="list-style-type: none"> I. Identify the persons to which NYCHA Rules & Regulations apply and locations of where these Rules & Regulations are disseminated. II. Conduct all encounters with NYCHA residents and their guests with courtesy and respect and in compliance with all state and federal laws. III. List and define the POSTED Rules & Regulations and related signage that applies to both NYCHA residents and non-residents and locations for where they are enforced. IV. Discuss the range of options for enforcing the NYCHA Rules & Regulations. V. Review Patrol Guide 212-60, "Interior Patrol of Housing Authority Buildings." 	
METHOD OF PRESENTATION: Lecture	CLASSROOM REQUIREMENTS: Traditional Classroom Seating
METHOD OF EVALUATION:	
STUDENT MATERIAL: Notebook & Pen	
TRAINING AIDS, SUPPLIES, EQUIPMENT: PowerPoint presentation	BIBLIOGRAPHY: Patrol Guide 212-60, Patrol Guide 207-29, NYCHA posted "No Trespassing" signage

LESSON: NYCHA Rules & Regulations	INSTRUCTOR CUES:
<p style="text-align: center;">Introduction</p> <p>Patrol Guide procedure number 212-60 outlines proper interior patrol procedures within Housing Authority property. In addition to interior patrol, there are additional Rules & Regulations that are set to govern NYCHA property.</p> <p>It is essential for members of the service to be aware of, and understand, these Rules & Regulations as they are intended and to interact with NYCHA residents and their guests with courtesy and respect and in compliance with all state and federal laws</p> <p><u>At the end of this lesson the student will be able to:</u></p> <ol style="list-style-type: none"> I. Identify the persons to which NYCHA Rules & Regulations apply and locations of where these Rules & Regulations are disseminated. II. Conduct all encounters with NYCHA residents and their guests with courtesy and respect and in compliance with all state and federal laws. III. List and define the POSTED Rules & Regulations signage that applies to both NYCHA residents and non-residents and locations for where they are enforced. IV. Discuss the range of options for violating the NYCHA Rules & Regulations. V. Review Patrol Guide 212-60, "Interior Patrol of Housing Authority Buildings." 	

LESSON: NYCHA Rules & Regulations	INSTRUCTOR CUES:
<p style="text-align: center;"><u>Body</u></p> <p>I. Identify the persons to which NYCHA Rules & Regulations apply and locations of where these Rules & Regulations are disseminated.</p> <p>A. Persons to which NYCHA Rules & Regulations apply:</p> <ol style="list-style-type: none"> 1. All NYCHA tenants, any member of the household, guests, or any other person under the tenant's control are obligated to obey the NYCHA Rules & Regulations. 2. Non-residents and visitors to NYCHA developments are also required to obey posted rules. <p>B. All NYCHA residents are notified of the Rules & Regulations in three ways.</p> <ol style="list-style-type: none"> 1. "NYCHA Resident Lease Agreement" / "Highlights of House Rules, Lease Term and Policy" <ol style="list-style-type: none"> a. All tenants and authorized household members, age 18 and older, are directed to review and sign, therefore agreeing to follow, all NYCHA Rules & Regulations. 2. "The NYCHA Resident Handbook" <ol style="list-style-type: none"> a. Portions of the Handbook give an abbreviated list of the Rules & Regulations as well as current pet policies. 3. Notice: <ol style="list-style-type: none"> a. Signs conspicuously posted at the NYCHA buildings and developments. A sign is conspicuously posted when it identifies who is excluded and what is prohibited, and is posted strategically enough to afford adequate notice of the prohibited conduct, for example posted at the building entrances or elsewhere where the resident has to pass or posted adjacent to an area that has been designated as restricted. b. Non-English speakers may not be able to read conspicuously posted signs if they are not written in their native language. 	<p>Learning Objective #1</p>

LESSON: NYCHA Rules & Regulations	INSTRUCTOR CUES:
<p>c. In the absence of such conspicuously posted signs, officers may instruct a resident or authorized guest found in an area designated as restricted by Housing Authority rules and regulations to leave the area.</p> <p>d. Officers may complete a FIELD REPORT (PD313-1511) upon encountering persons who are violating Housing Authority rules, even if the sign is missing or defaced. In such a circumstance, officers should also prepare a FIELD REPORT regarding the missing or defaced sign itself.</p> <p>e. Verbal communication by UMOS or NYCHA representative.</p> <p>C. Non-residents are made aware of such Rules & Regulations with relevant signage on development grounds.</p> <p>1. Notice:</p> <p>a. Signs conspicuously posted at the NYCHA buildings and developments. Signs are conspicuously posted and identify who is excluded and what is prohibited. These signs are posted frequently enough to afford adequate notice of prohibited conduct; for example, they are posted at the building entrances or elsewhere where the non-resident has to pass or adjacent to an area that has been designated as restricted.</p> <p>b. Non-English speakers may not be able to read conspicuously posted signs if they are not written in their native language.</p> <p>c. In the absence of such conspicuously posted signs, officers may instruct an unauthorized visitor found in an area designated as restricted by Housing Authority rules and regulations to leave the building.</p> <p>d. Officers may complete a FIELD REPORT (PD313-1511) upon encountering persons who are violating Housing Authority rules, even if the sign is missing or defaced. In such a circumstance, officers should also prepare a FIELD REPORT regarding the missing or defaced sign itself.</p> <p>e. Verbal communication by UMOS or NYCHA representative.</p>	

LESSON: NYCHA Rules & Regulations	INSTRUCTOR CUES:
<p>II. Conduct all encounters with NYCHA residents and their guests with courtesy and respect and in compliance with all state and federal laws.</p> <p>It is always the goal of the police officer to gain voluntary compliance amongst the public in regard to sets of laws and rules and regulations. This is especially true in relation to this lesson. Officers enforcing the regulations that will be discussed in this lesson must ensure that their inquiries, interactions, and enforcement activities are conducted in a courteous, professional and respectful manner. The importance of tactical communication is preeminent in these situations because these interactions routinely take place in the common areas of residents' <i>homes</i>, and successful policing of NYCHA buildings depends upon consistently positive interactions with residents.</p> <p><u>Why are positive interactions important?</u></p> <ul style="list-style-type: none"> A) The public trusts (or should trust) us to come into their lives when conditions require it to help them. B) Oftentimes a resident may become an ally and offer information on residents who are violating NYCHA rules or committing other crimes. C) Exhibiting Courtesy, Professionalism and Respect during encounters and employing Tactical Communications when interacting with NYCHA residents will reduce the incidence of CCRB complaints and the discipline that sometimes results. <p><u>How can officers ensure positive interactions?</u></p> <ul style="list-style-type: none"> A) Use professional language. B) Be sharp, neat, well spoken....not sloppy, belligerent or hostile. C) Look and sound professional to attain respect from the public. D) Improve communication skills and tone of voice (lose the attitude). E) Do not fall into the trap of considering all interactions to be with the criminal element. This is especially true when officers approach persons to determine their justification for being in a NYCHA building. The vast majority of persons present in public housing are law abiding residents and their guests. These persons want to live in or visit an orderly, crime free environment. 	<p>Learning Objective #2</p>

<p>LESSON: NYCHA Rules & Regulations</p>	<p>INSTRUCTOR CUES:</p>
<p>F) Remember that by de-escalating a situation, you are helping yourself stay in control of the interaction.</p> <p><u>NOTE:</u> In all cases, remember that proper, professional and tactically sound interactions reduce needless complaints and enhance the Police Department’s ability to work with residents to control crime, reduce disorder and trespassing in housing developments and enhance their quality of life.</p> <p>III. List and define the Rules & Regulations contained on the posted signs that applies to both NYCHA residents and non-residents and locations for where the rules are enforced.</p> <p>A. Trespassing is prohibited. NYCHA premises are for the use of residents, invited guests, and persons with legitimate business. For the purpose of this training program, residents include individuals residing in the household even if not registered with NYCHA. All such persons are asked to cooperate with inquiries from NYCHA Management, Security Guards, Resident Watch, and the NYC Police Department regarding their presence or conduct in any building or on development grounds. All such persons are not, however, required to cooperate with inquiries from the NYC Police Department. Mere failure to answer questions or cooperate on its own does not give rise to reasonable suspicion or probable cause of trespassing. Unless a person is stopped based on reasonable suspicion of criminal activity, that person is free to walk away when questioned.</p> <p>**NOTE: DEVELOPMENT GROUNDS are</p> <ol style="list-style-type: none"> 1. All NYCHA buildings, apartments, manager’s offices, maintenance areas, storage rooms, etc. 2. All walkways, grounds, parking areas and development driveways located within NYCHA developments. 3. Laundries, community centers, childcare centers, senior citizen centers, etc. which operate within NYCHA buildings. 	<p>Learning Objective #3</p>

LESSON: NYCHA Rules & Regulations	INSTRUCTOR CUES:
<p>B. As indicated on posted signs, the below listed activities are prohibited on NYCHA property. NYCHA property includes lobbies, corridors, stairs, elevators, terraces, balconies and development grounds.</p> <ol style="list-style-type: none"> 1. Alcohol Consumption and Possessing Open Containers of Alcohol 2. Barbecuing except by permit 3. Bicycle Riding / Skateboarding / Rollerblading except in designated areas 4. Creating a Disturbance / Engaging in Dangerous Activity 5. Defacing NYCHA Property by graffiti or other means 6. Dogs: <ul style="list-style-type: none"> • <i>Failing to curb your dog or pick up solid dog waste</i> • <i>Possessing dogs not registered with NYCHA</i> • <i>Possessing unleashed dogs</i> 7. Drug Sale, Use, or Possession 8. Entering restricted areas, including a building roof or roof landing (area at the top of the stairwell) 9. Linger in common areas of building (Linger occurs when, based on objective facts and circumstances, an individual is observed in a vestibule, lobby, stairwell, hallway or other similar common area of a NYCHA residential building for an unreasonable period of time in light of the area's intended purpose. The primary purpose of these locations is to enable entrance to and exit from the building as well as movement within the building. Activities associated with the primary purpose of such locations are permissible, including but not limited to: standing and talking for a reasonable period of time; waiting for food deliveries, visitors, and transportation; meeting and greeting neighbors and friends; picking up and dropping off children; checking mailboxes, and any similar activity that occurs in the ordinary course of entrance, exit and movement within the building.). 10. Littering 11. Playing loud music or creating unreasonable noise 12. Smoking in common areas of building 	

LESSON: NYCHA Rules & Regulations	INSTRUCTOR CUES:
<p>13. Riding / Driving unauthorized vehicles on development grounds.</p> <p>C. It is prohibited for any person to obstruct, damage or deface any common area, including playgrounds, picnic or barbecue areas, gardens, trees, shrubs, grass or groundcover, or to violate any of the aforementioned posted Rules & Regulations.</p> <p>IV. Discuss the range of options for enforcing the NYCHA Rules & Regulations.</p> <p>A. The observation of the violation of any of the posted Rules & Regulations allows the officer, at the very least, an objective credible reason to approach the violator and may prompt the preparation of a Field Report (Patrol Guide 207-29) and accompanying Activity Log entry.</p> <p>** NOTE - Officers are to be aware that some, but not all, violations of NYCHA rules warrant concurrent criminal enforcement.</p> <p>**NOTE – Non-English speakers may not be able to read the posted Rules & Regulations if the signs are not written in their native language.</p> <p>B. Signs posted at NYCHA buildings and developments, with the following restrictions, may be reported and/or enforced in ways listed below.</p> <ol style="list-style-type: none"> 1. Alcohol Consumption and Possessing Open Containers of Alcohol (also prohibited in community centers) <ol style="list-style-type: none"> a. Field Report & Activity Log entry b. C Summons <ul style="list-style-type: none"> • <i>Drinking in Public Admin Code 10-125(b)</i> 2. Barbecuing except by NYCHA permit <ol style="list-style-type: none"> a. Field Report & Activity Log entry b. C Summons <ul style="list-style-type: none"> • <i>NYC Fire Code 307.1</i> <p>** NOTE</p>	<p>Learning Objective #4</p>

LESSON: NYCHA Rules & Regulations	INSTRUCTOR CUES:
<ul style="list-style-type: none"> • Take no action NYCHA Permit and a garden hose or fire extinguisher is nearby • Issue Field Report NO Permit and a garden hose or fire extinguisher is nearby • Issue C Summons NO Permit and NO garden hose or fire extinguisher is nearby <p>3. Bicycle Riding / Skateboarding / Rollerblading (except in designated areas)</p> <ul style="list-style-type: none"> a. Field Report & Activity Log entry b. May eject (non-resident only) if condition is not corrected c. C Summons <ul style="list-style-type: none"> • <i>Bicycle on Sidewalk - NYC Traffic Rules 4 07(c)(3)(i)</i> • <i>Recklessly Operating a Skateboard or Rollerblading - NYC Traffic Rules 19-176.1</i> <p>4. Creating a Nuisance or Disturbance / Engaging in Dangerous Activity</p> <ul style="list-style-type: none"> a. Field Report & Activity Log entry b. May eject (non-resident only) if condition is not corrected c. C Summons <ul style="list-style-type: none"> • <i>Disorderly Conduct PL 240.20 (appropriate subsection)</i> <p>5. Defacing NYCHA Property by graffiti or other means</p> <ul style="list-style-type: none"> a. Field Report & Activity Log entry b. C Summons / Arrest <ul style="list-style-type: none"> • <i>Criminal Mischief PL 145.00 (as appropriate based on dollar amount)</i> • <i>Making Graffiti PL 145.60</i> <p>6. Dogs:</p> <ul style="list-style-type: none"> • <i>Possessing a dog not registered with NYCHA (must wear valid NYCHA tag) - this INCLUDES service dogs</i> a. Field Report & Activity Log entry b. Ejection (non-resident only) <p>Dogs: (does not apply to service dogs)</p>	

LESSON: NYCHA Rules & Regulations	INSTRUCTOR CUES:
<ul style="list-style-type: none"> • <i>Failing to curb your dog / Failing to pick up solid dog waste or</i> • <i>Possessing an unleashed dog (leash must be six feet or less in length)</i> <p>a. Field Report & Activity Log entry</p> <p>b. Ejection (non-resident only)</p> <p>c. C Summons</p> <ul style="list-style-type: none"> • <i>Failing to curb / Fail to pick up solid waste NY State Public Health Law 1310</i> • <i>Possessing unleashed dog NYC Health Code 161.05</i> <p>7. Drug Sale, Use, or Possession</p> <p>a. C Summons / Arrest</p> <ul style="list-style-type: none"> • <i>Penal Law Articles 220 and 221 (as appropriate)</i> <p>8. Entering restricted areas, including a building roof, roof landing (area at the top of the stairwell), maintenance rooms <u>except for authorized and emergency personnel</u>)</p> <p>a. If there is a conspicuously posted sign: arrest (and prepare Field Report)</p> <ul style="list-style-type: none"> • <i>Criminal Trespass PL 140.10(e) is defined as knowingly entering or remaining unlawfully in a NYCHA building in violation of conspicuously posted rules or regulations governing entry and use thereof.</i> • <i>A conspicuously posted sign must identify who is excluded and what is prohibited, and must be posted strategically enough to afford adequate advance notice of the prohibited conduct. The signs will be posted at the building entrances or elsewhere where the resident has to pass or posted adjacent to an area that has been designated as restricted. Even if there is probable cause to arrest a person for trespassing in a restricted area, officers may exercise their discretion to refrain from arresting that person.</i> • <i>Discretion is the authority to decide how to resolve situations in different ways. A police officer cannot take action or refrain from taking action because of a person's gender, race, class, ethnicity, sexual orientation, or religion. Instead, a police officer must base his or her actions only on such objective considerations as the individual's actions and/or information the officer may have received from sources such as members of the</i> 	<p><i>A police officer's primary job is to protect life, and every decision a police officer makes should give highest priority to the preservation of life.</i></p>

LESSON: NYCHA Rules & Regulations	INSTRUCTOR CUES:
<p>public, other officers, and the radio dispatcher.</p> <ul style="list-style-type: none"> • When an officer encounters a person trespassing in a restricted area, the officer may exercise discretion given the circumstances and not arrest that person and instead instruct that person to leave the restricted area, or the building, under appropriate circumstances. • For example, a non-English speaker may not have been able to read a conspicuously posted sign that was not written in his or her native language and, thus, may not have known the area was restricted. • 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. <p>b. If there are no conspicuously posted signs, but the area is designated as restricted by Housing Authority Rules and Regulations, the following applies. If the person is a resident or authorized visitor, ask them to leave the area. If the person is an unauthorized visitor and there is no other basis to arrest such person, ask him or her to leave the building.</p> <ul style="list-style-type: none"> • Any person may be arrested for trespassing in a restricted area if he or she refused to leave after instructed. <p>** NOTE MOS should:</p> <ul style="list-style-type: none"> • Take note of posted, missing or defective signs. • Document defendant's statements. • Document any other relevant information. <p>9. Lingering in common areas of building</p> <p>a. Field Report & Activity Log entry</p> <p>LINGERING IS NOT A VIOLATION OF THE LAW – IT IS ONLY A VIOLATION OF THE RULES</p>	

LESSON: NYCHA Rules & Regulations	INSTRUCTOR CUES:
<p>**Definition of “Lingering”: <i>Lingering occurs when, based on objective facts and circumstances, an individual is observed in a vestibule, lobby, stairwell, hallway or other similar common area of a NYCHA residential building for an unreasonable period of time in light of the area’s intended purpose. The primary purpose of these locations is to enable entrance to and exit from the building as well as movement within the building. Activities associated with the primary purpose of such locations are permissible, including but not limited to: standing and talking for a reasonable period of time; waiting for food deliveries, visitors, and transportation; meeting and greeting neighbors and friends; picking up and dropping off children; checking mailboxes, and any similar activity that occurs in the ordinary course of entrance, exit and movement within the building.</i></p> <p>** Members of the Service are directed to use common sense and good judgment when addressing this NYCHA Rule violation. Officers are further reminded that Lingering in and of itself is NOT a violation of law.</p> <p><u>Example of “Lingering” is:</u></p> <ul style="list-style-type: none"> • (Stairway) Three people are sitting on the stairs in a stairwell. <ul style="list-style-type: none"> ** Since the purpose of the stairs is to allow people to walk from one floor to another, a group of people sitting in the stairwell would be “Lingering” and subject to a Field Report. ** NOTE A person cannot be arrested for mere lingering in a stairwell. <p><u>The following examples would NOT be “Lingering”:</u></p> <ul style="list-style-type: none"> • (Lobby) - Someone is standing in the lobby engaging in a brief conversation with another person while getting their mail from the mail box. <ul style="list-style-type: none"> ** <u><i>This is not lingering.</i></u> One of the functions of the lobby is to provide a place for residents to retrieve mail. Furthermore, it is also a place where residents will most likely meet each other and engage in conversation. • (Lobby) A resident waiting in the lobby for a cab or for a delivery <p>10. Littering</p> <p>Inside building</p> <ul style="list-style-type: none"> a. Field Report & Activity Log entry 	

LESSON: NYCHA Rules & Regulations	INSTRUCTOR CUES:
<p>Outside building</p> <ul style="list-style-type: none"> b. Field Report & Activity Log entry c. C Summons <ul style="list-style-type: none"> Littering Admin Code 16-118(1) <p>11. Playing loud music (with sound reproductive device, e.g. portable stereo device)</p> <ul style="list-style-type: none"> a. Field Report & Activity Log entry b. C Summons for Admin Code 24-244(a) <p>** NOTE: In certain circumstances NYPD Permits can be issued for sound reproductive devices, e.g., Family Day, National Night Out.</p> <p>Creating unreasonable noise (WITHOUT sound reproductive device)</p> <ul style="list-style-type: none"> a. Field Report & Activity Log entry b. ECB Summons <ul style="list-style-type: none"> • Admin Code 24-218 <p>12. Smoking</p> <ul style="list-style-type: none"> • In elevator <ul style="list-style-type: none"> a. C Summons <ul style="list-style-type: none"> • NYC Health Code 181.17(a) • In common areas of building (other than elevator) b. Field Report & Activity Log entry <p>13. Riding / driving unauthorized vehicles on development grounds - (stopping / standing / parking on sidewalks / internal roadways / walkways, except emergency vehicles, authorized maintenance and repair trucks, and authorized NYCHA vehicles)</p> <ul style="list-style-type: none"> a. Field Report & Activity Log entry b. A or B Summons <ul style="list-style-type: none"> • Obedience to required Traffic Control Devices - VTL 1110 (a) 	<p>Learning</p>

LESSON: NYCHA Rules & Regulations	INSTRUCTOR CUES:
<p>**Only if a sign is posted which limits driving on development grounds to official and specifically authorized vehicles.</p> <ul style="list-style-type: none"> • Driving on Sidewalk - VTL 1225 (a) <p>** NOTE NYC Traffic Regulations apply on NYCHA property.</p> <p>V. Review P.G. 212-60, “Interior Patrol of Housing Authority Buildings.”</p> <p>A. The four (4) levels of DeBour apply to NYCHA buildings.</p> <ul style="list-style-type: none"> • Request for Information (objective credible reason to approach) • Common Law Right of Inquiry (founded suspicion that criminal activity is afoot) • Reasonable Suspicion • Probable Cause <p>B. UMOS must perform interior patrols and engage citizens in a manner that respects the rights of NYCHA residents and guests.</p> <p>C. Reminder: UMOS need an objective credible reason to approach a person inside a NYCHA building.</p> <p>D. Violations of NYCHA rules are an <u>objective credible reason to approach a person</u>.</p> <p>E. NOTE: <i>Mere presence near, entering or exiting a NYCHA 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.</i></p> <p>F. Arrest for Criminal Trespass if you reach probable cause that the person knowingly entered or remained unlawfully in a NYCHA apartment building.</p> <p>G. When encountering persons who may be engaged in criminal activity (including potential trespassers), based on observed behavior or other credible information, you may:</p> <ol style="list-style-type: none"> 1. Approach the person and ask if he or she lives in the building, is visiting someone in the building, or has business in the building. 2. Take reasonable measures to verify the person’s 	<p>Objective #5</p>

LESSON: NYCHA Rules & Regulations	INSTRUCTOR CUES:
<p>authorization to be in the building (ask if they have I.D., keys, other resident can verify, apartment number of residence, name or apartment number of resident being visited etc...)</p> <p>H. Questions about a person's authority to be in a NYCHA residence can escalate to the level of a stop 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.</p> <ol style="list-style-type: none"> 1. If you stop any person, you must complete a STOP, QUESTION AND FRISK REPORT WORKSHEET (PD344-151A) and make an ACTIVITY LOG entry. 2. A UMOS may NOT stop (temporarily detain) a suspected trespasser unless the officer reasonably suspects that the person is in the building without valid justification. 3. If a person is stopped on suspicion of trespass, take reasonable measures to investigate (ask for keys, verify with resident, allow person to call resident for verification, consult with NYCHA employee) 4. NOTE: Be mindful that residents may be alarmed or intimidated when a police officer questions them in their homes, especially when an officer goes to their apartment. Thus, when verifying a person's authority to be in the building, take reasonable measures to avoid such intimidation by first using the intercom system to contact the resident or permitting the stopped person to call the resident by phone. 5. NOTE: Individuals may honestly be mistaken as to the specific apartment number or may know only certain individuals, but not others, residing in an apartment. Officers should take into consideration these possibilities. 6. NOTE: Merely passing through a door that has a defective lock or that has been propped open does not, alone, constitute reasonable suspicion 	

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<p style="text-align: center;"><i>of criminal activity.</i></p> <p>7. NOTE: Upon encountering persons who are violating Housing Authority rules, take appropriate police action pursuant to P.G. 207-29 (“Field Reports”) unless there is a basis for criminal enforcement. 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. 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.</p> <p>I. NOTE - 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.</p> <p>J. You may arrest for Criminal Trespass if you reach probable cause that the person knowingly entered or remained unlawfully in a NYCHA apartment building.</p> <ol style="list-style-type: none"> 1. Make an ACTIVITY LOG entry 2. Prepare Trespass Criminal Fact Sheet 3. Do not arrest anyone for trespassing in a restricted area of the building, including the roof or roof landing, in the absence of adequate notice provided by a “conspicuously posted sign” 4. In the absence of a “conspicuously posted sign,” instruct a resident or authorized visitor to leave the restricted area and instruct an unauthorized visitor to leave the building. If, after being instructed to leave, the person refuses to do so, you may arrest for Criminal Trespass. 5. Even if there is probable cause to arrest a person for trespassing, officers may exercise 	

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<p>their discretion to refrain from arresting that person, and instead instruct that person to leave the building or the restricted area under appropriate circumstances.</p> <ol style="list-style-type: none"> 6. For example, a non-English speaker may not have been able to read a conspicuously posted sign that was not written in his or her native language and, thus, may not have known the area was restricted. 7. If an officer has probable cause to arrest a building resident for being in a restricted area, such as the roof or roof landing, and the officer has not seen the resident in that area before and has no other reason to believe that the resident has actual knowledge that the area is restricted, the officer should exercise discretion and ask the resident to leave the restricted area as long as there is no other basis to arrest such a person. 8. You cannot arrest someone for trespassing based solely on the fact that the person is visiting a resident who is not home. Inability to immediately verify a person's status as a resident or visitor does not alone provide probable cause to arrest for trespassing. 9. A person's silence when questioned, alone, does not support reasonable suspicion to stop or probable cause to arrest. <p style="text-align: center;"><u>Conclusion</u></p> <p>Police officers must be aware of the specific procedures for policing NYC Housing Authority developments, including the non-criminal Rules & Regulations.</p> <p>In enforcing these Rules & Regulations, the New York City Police Department's primary role is providing a safe and secure living environment for NYCHA residents.</p> <p>Successful policing of NYCHA buildings requires positive interactions between police officers and residents. This can only be achieved by conducting all interactions in NYCHA buildings with the courtesy, professionalism and respect all persons are entitled to in their own</p>	

LESSON: NYCHA Rules & Regulations	INSTRUCTOR CUES:
<p>homes.</p> <p>By properly conducting police activity on NYCHA property, officers will assist the NYC Housing Authority in enforcing its rules, limiting criminal activity, and ultimately providing a safe and secure environment for residents and their guests.</p> <p>At the end of this lesson the student will be able to:</p> <ul style="list-style-type: none"> I. Identify the persons to which NYCHA Rules & Regulations apply and locations of where these Rules & Regulations are disseminated. II. Conduct all encounters with NYCHA residents and their guests with courtesy and respect and in compliance with all state and federal laws. III. List and define the POSTED Rules & Regulations signage that applies to both NYCHA residents and non-residents and locations for where they are enforced. IV. Discuss the range of options for enforcing the NYCHA Rules & Regulations. V. Review P.G. 212-60, "Interior Patrol of Housing Authority Buildings." 	