

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

KELTON DAVIS, *et al.*, individually and on behalf of a  
class of all others similarly situated;

Plaintiffs,

- against -

THE CITY OF NEW YORK and NEW YORK CITY  
HOUSING AUTHORITY;

Defendants.

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #:  
DATE FILED: 4/28/15

10 Civ. 0699 (SAS)  
ECF Case

**[PROPOSED] FINAL ORDER OF APPROVAL OF SETTLEMENT AND  
DISMISSAL WITH PREJUDICE**

This matter came before this Court for a Fairness Hearing on April 22, 2015, for approval of the Stipulation of Settlement and Order, dated January 7, 2015 (the "Settlement Agreement"). Due and adequate notice having been given to the Class as required by Rule 23(e)(1) of the Federal Rules of Civil Procedure ("Rule 23(e)(1)") and the Court having considered all papers filed, and good cause having been shown, IT IS HEREBY ORDERED:

1. **Defined Terms:** For purposes of this Final Order of Approval of Settlement and Dismissal with Prejudice, the Court holds that any capitalized terms used herein and not defined should be construed consistently with the definitions set forth in the Settlement Agreement.

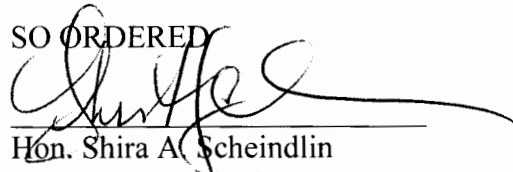
2. **Approval of Settlement:** Pursuant to Rule 23, the Court approves the settlement set forth in the Settlement Agreement, and finds that the Settlement Agreement is, in all respects, fair, reasonable, and adequate.

3. **Retention of Jurisdiction and Transfer of Case:** In accordance with the terms of the Settlement Agreement, the Court hereby transfers this action to the Honorable Analisa Torres, United States District Court for the Southern District of New York. The Court approves the continued jurisdiction of the District Court for the purposes set forth in Section N of the Settlement Agreement.

4. **Dismissal with Prejudice:** The above-captioned Action is dismissed with prejudice.

5. **Release of Claims:** Upon the Effective Date of the Settlement Agreement, Named Plaintiffs and each of the members of the Class shall be deemed to have released all claims described in Section P of the Settlement Agreement.

April 28, 2015  
Dated

SO ORDERED  
  
Hon. Shira A. Scheindlin  
United States District Judge

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

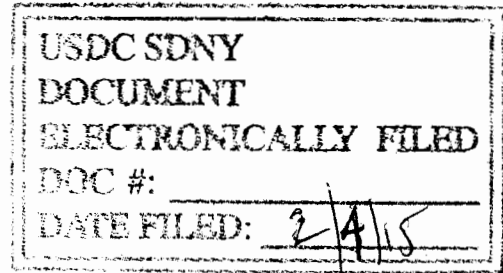
KELTON DAVIS, *et al.*, individually and on behalf of a  
class of all others similarly situated;

Plaintiffs,

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THE CITY OF NEW YORK and NEW YORK CITY  
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Defendants.



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**STIPULATION OF SETTLEMENT AND ORDER**

**WHEREAS**, on January 28, 2010, Plaintiffs in the above-captioned action filed a Complaint pursuant to 42 U.S.C. § 1983; 42 U.S.C. § 1981; the Fourth and Fourteenth Amendments to the United States Constitution; Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000(d); Title VIII of the Civil Rights Act of 1968, 42 U.S.C. § 3601 *et seq.* ("Fair Housing Act"); the United States Housing Act, 42 U.S.C. § 1437, *et seq.*; the Constitution and laws of the State of New York; and the New York City Human Rights Law; and

**WHEREAS**, the Amended Complaint, filed on May 27, 2011, alleges that Defendant City of New York ("City") has violated, and continues to violate, the federal and state constitutional and statutory rights of public housing residents and their guests due to its alleged policy and practice of stopping, questioning, detaining, and arresting persons in residences owned and operated by the New York City Housing Authority ("NYCHA")—the vast majority of whom are African American or Latino—on suspicion of criminal trespass without sufficient

legal basis and on a racially discriminatory basis, resulting in the interference of residents' ability to enjoy their homes and receive police protection, a municipal service, like other New York City residents on the basis of their race and/or ethnicity; and

**WHEREAS**, the Amended Complaint further alleges that Defendant NYCHA issued "Highlights of House Rules, Lease Terms and Policy" ("House Rules"), which contains allegedly unreasonable terms and conditions—specifically, (a) the alleged requirement that NYCHA residents and their guests cooperate with inquiries from officers of the New York City Police Department ("NYPD") and (b) the prohibition against an allegedly vague, undefined activity called "lingering"—that allegedly deny NYCHA residents the rights to exclusive use and occupancy of their leased units and the right to entertain guests in their homes by facilitating unlawful trespass enforcement practices; and

**WHEREAS**, on August 29, 2013, pursuant to Rule 23(b)(2) of the Federal Rules of Civil Procedure, the Court certified two overlapping classes defined as follows:

*Stopped Class:* All African-American and Latino NYCHA residents and/or family members, authorized guests or visitors of NYCHA residents, who, since January 28, 2007, have been or will be unlawfully stopped, seized, questioned, frisked, searched, and/or arrested for trespass by New York City Police Department ("NYPD") officers in or around NYCHA residences, including on the basis of race and/or ethnicity.

*Resident Class:* All authorized NYCHA residents who belong to the Stopped Class or whose family members, authorized guests or visitors, since January 28, 2007, have been or will be unlawfully stopped, seized, questioned, frisked, searched, and/or arrested for trespass by NYPD officers in or around NYCHA residences, including on the basis of race and/or ethnicity; and

**WHEREAS**, the Parties have engaged in extensive discovery relating to Defendants' policies and practices with respect to police services, including without limitation trespass enforcement policies and practices in and around NYCHA residences; and

**WHEREAS**, the Parties have engaged in three rounds of summary judgment briefing, resulting in three published decisions of this Court: *Davis v. City of New York*, 812 F. Supp. 2d 333 (S.D.N.Y. 2011); *Davis v. City of New York*, 902 F. Supp. 2d 405 (S.D.N.Y. 2012); *Davis v. City of New York*, 959 F. Supp. 2d 324 (S.D.N.Y. 2013); and

**WHEREAS**, the terms of this Stipulation of Settlement and Order ("Stipulation") were extensively and vigorously negotiated in good faith over a period of several months; and

**WHEREAS**, the negotiations have resulted in this Stipulation, which, subject to the approval of the Court, settles this action in the manner and upon the terms set forth below,

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned, as follows:

#### **A. INTRODUCTION**

1. The Parties enter into this Stipulation after arm's length, good faith negotiations for the purpose of avoiding the burdens of further litigation, and to mutually support vigorous, lawful, and nondiscriminatory enforcement of the law. Settlement of this action under the terms stated in this Stipulation is in the public interest as it avoids further diversion of private, City, and NYCHA resources to adversarial action by the Parties.

2. Defendants deny any and all liability and deny that they had or have a policy, or engaged in or currently engage in a pattern or practice of conduct, that deprived persons of rights, privileges, or immunities secured or protected by the Constitution and laws of the United States.

3. This Stipulation does not, and shall not be deemed to, constitute an admission by Defendants as to the validity or accuracy of any of the allegations, assertions, or claims made by Plaintiffs. This Stipulation does not constitute an admission, adjudication, or finding on the merits of the above-captioned action.

4. This Court has jurisdiction over this action under 28 U.S.C. §§ 1331 and 1343. Venue is proper in the United States District Court for the Southern District of New York pursuant to 28 U.S.C. § 1391.

### **B. DEFINITIONS**

1. “Class Members” shall mean all members of both classes as defined by the Court, cited in the Preamble above.

2. “Class Representatives” shall mean all “Named Plaintiffs” in the above-captioned action, as defined in Paragraph 12 below.

3. “Class Counsel” shall mean Plaintiffs’ attorneys of record in the above-captioned action.

4. “City” shall mean the City of New York.

5. “Court-Ordered Monitoring” shall mean the remedies, including without limitation, the appointment of a Monitor to oversee reforms of the NYPD and the joint remedial process for developing supplemental reforms, ordered by the Court in the Floyd Remedies Opinion, defined in Paragraph 10 below.

6. “Defendants” shall mean Defendant City of New York and Defendant New York City Housing Authority.

7. “Dismissal Date” shall mean the date on or shortly after the Final Approval Date, defined below, on which the District Court dismisses the case with prejudice.



8. “Effective Date” is thirty (30) days after the “Dismissal Date,” following the “Final Approval Date,” defined below, and shall also be the date upon which this Stipulation enters into effect, subject to Paragraph 22 below.

9. “Final Approval Date” shall mean the date on which this Court approves this Stipulation, following a fairness hearing.

10. “Floyd Remedies Opinion” shall mean the Opinion and Order in *Floyd v. City of New York*, 08 Civ. 1034 (SAS), dated August 12, 2013 (Doc. No. 372), as modified by the Order Modifying Remedial Order, dated July 30, 2014 (Doc. No. 466), attached as Exhibits A and B, respectively, to this Stipulation.

11. “House Rules” shall mean NYCHA’s “Highlights of House Rules, Lease Terms and Policy.”

12. “Named Plaintiffs” shall mean Plaintiffs Shawne Jones, Hector Suarez, Eleanor Britt, Roman Jackson, Kristin Johnson, Lashaun Smith, Andrew Washington, Patrick Littlejohn, Raymond Osorio, Vaughn Frederick, and Rikia Evans.

13. “Named Resident Plaintiffs” shall mean Shawne Jones, Hector Suarez, Eleanor Britt, Patrick Littlejohn, and Rikia Evans.

14. “NYCHA” shall mean the New York City Housing Authority.

15. “NYPD” shall mean the New York City Police Department.

16. “Parties” shall mean Plaintiffs, Defendant City of New York, and Defendant New York City Housing Authority.

17. “PG 212-60” shall mean NYPD Patrol Guide 212-60 “Interior Patrol of Housing Authority Buildings,” which instructs NYPD officers on the proper performance of interior patrols in NYCHA residences.

18. "Plaintiffs" shall mean the Named Plaintiffs and Class Members.

19. "Preliminary Approval Date" shall mean the date on which this Court endorses this Stipulation.

20. "Stipulation" shall mean this Stipulation of Settlement and Order executed by the Parties in the above-captioned action.

21. "Substantial Compliance" shall mean both compliance with all material aspects of the reforms pertaining to the above-captioned action arising from the recommendations of the Court-Ordered Monitoring, and the reforms required by this Stipulation. Noncompliance with mere technicalities, or temporary failure to comply during a period of otherwise sustained compliance, will not constitute a failure of Substantial Compliance. However, temporary compliance during a period of otherwise sustained non-compliance shall not constitute Substantial Compliance. Substantial Compliance shall be measured using milestones to be set in the Court-Ordered Monitoring.

22. Notwithstanding the foregoing in Paragraphs B.7-B.9, in the event that any appeals or petitions are taken or filed regarding the Court's approval of this Stipulation or entry of a final judgment in this action, any and all obligations required to be undertaken pursuant to this Stipulation by Defendants are stayed pending the final determination of any such appeals or petitions. The Stipulation shall not become effective nor shall the Defendants be required to undertake any obligations in the event that the final determination of any such appeals or petitions results in a rejection of the settlement as set forth in this Stipulation or a reversal of the order dismissing the action with prejudice.

#### **C. MUTUAL AGREEMENT OF PRINCIPLES**

1. The Parties agree that NYCHA residents and their authorized visitors have the same legal rights as the residents and authorized visitors of any other residential building in



New York City, and deserve the utmost courtesy and respect during their interactions with NYPD officers.

2. The Parties agree that further development of cooperative and trusting relationships between NYPD officers and NYCHA residents facilitates effective policing, and that negative interactions between NYPD officers and NYCHA residents and their authorized visitors can have a long-lasting, harmful impact on those relationships.

3. The Parties agree that the secured access of building entryways and effective policing within the building are important to maintain the safety and security of NYCHA residences.

4. The Parties agree that in performing patrols in or around NYCHA residences, the NYPD's primary role is to provide a safe and secure living environment for NYCHA residents and their guests.

5. The Parties agree that the proper enforcement of New York State trespass law is an important component of the maintenance and security of NYCHA residences.

6. The Parties agree that the enforcement of New York State trespass law must, at all times, comply with the United States Constitution and all other relevant state and federal laws.

- (a) Plaintiffs and the City agree that NYPD officers must have at least an "objective credible reason" in order to approach any person in or around a NYCHA residence, and that simply entering, being in, or exiting a NYCHA residence does not constitute an "objective credible reason."

- (b) Plaintiffs and the City agree that NYPD officers who request information from any person in or around a NYCHA residence, based on an “objective credible reason,” as defined in *People v. De Bour*, 40 N.Y.2d 210 (1976) and its progeny, cannot question that person in an accusatory manner.
- (c) Plaintiffs and the City agree that NYPD officers must have a “founded suspicion” of criminal activity, as defined in *People v. De Bour*, 40 N.Y.2d 210 (1976) and its progeny, in order to ask any person in or around a NYCHA residence pointed or accusatory questions that would cause a person to reasonably believe that he or she is suspected of a crime, but officers may not ask such questions in a manner that would cause a reasonable person to believe that he or she cannot terminate the encounter and walk away.
- (d) Plaintiffs and the City agree that NYPD officers must have a “reasonable suspicion” of criminal activity in order to stop and/or detain any person in or around a NYCHA residence such that a reasonable person would believe that he or she cannot terminate the encounter and walk away.
- (e) Plaintiffs and the City agree that NYPD officers must have “probable cause” of criminal activity in order to arrest any person in or around a NYCHA residence.

7. The Parties agree that it is imperative to have rules, policies, and procedures to prevent NYCHA residents and their authorized guests from being subjected to a request for information without objective credible reasons, accusatory questions without founded suspicion that criminal activity is afoot, stops or detentions without reasonable suspicion, or arrests without probable cause.

8. The Parties agree that proper and sufficient training, supervision, monitoring, and disciplining of NYPD officers are necessary to prevent unlawful stops and arrests in or around NYCHA residences.

#### **D. REVISIONS TO NYPD PATROL GUIDE**

1. Plaintiffs and the City have extensively negotiated the terms of PG 212-60 and have agreed to revisions that will promote constitutional interactions between NYPD officers and persons encountered during interior patrols in NYCHA residences.

2. The revised version of PG 212-60, to which both Plaintiffs and the City agree, is attached as Exhibit C to this Stipulation.

#### **E. REVISIONS TO CERTAIN NYPD TRAINING MATERIALS**

1. Plaintiffs and the City have extensively negotiated the terms of the NYPD training materials regarding trespass enforcement in NYCHA residences and enforcement of NYCHA House Rules and have agreed to revisions that will aid in training NYPD officers to engage in constitutional interactions while in or around NYCHA residences and/or while performing interior patrols in or around NYCHA residences.

2. The revised versions of the “Basic Recruit Course Lesson Plan on Patrol Operations/Interior Patrols” and “NYCHA Rules, Regulations, and Signage Lesson Plan,” to which both Plaintiffs and the City agree, are attached as Exhibits D and E, respectively, to this Stipulation.

#### **F. TRESPASS CRIME FACT SHEET**

1. Plaintiffs and the City agree that the NYPD's Trespass Crime Fact Sheet form (PD 351-144) should be completed by NYPD officers, prior to arraignment, any time they effect an arrest for trespass in or around a NYCHA residence.

2. The revisions to the Trespass Crime Fact Sheet, to which both Plaintiffs and the City agree, are attached as Exhibit F to this Stipulation.

#### **G. REVISIONS TO NYCHA'S HOUSE RULES**

1. Plaintiffs and NYCHA have negotiated revisions to the terms of the House Rules regarding cooperation with NYPD inquiries and the prohibition against lingering.

2. The revisions to the House Rules, to which both Plaintiffs and NYCHA agree, are attached as Exhibit G to this Stipulation.

#### **H. PARTICIPATION IN COURT-ORDERED MONITORING**

1. Plaintiffs and the City stipulate that changes to the NYPD's practices related to trespass enforcement in or around NYCHA residences, including training, supervision, monitoring and discipline of officers, will be addressed as part of the Court-Ordered Monitoring ordered by the Court in the Floyd Remedies Opinion, except with respects to Exhibits C, D, E, F, and G, which were discussed in Sections D, E, F, and G above.

2. Plaintiffs and the City stipulate that the Court-Ordered Monitoring will address arrests for criminal trespass, as well as trespass stops, and any training, supervision, monitoring or discipline issues that relate to trespass enforcement in or around NYCHA residences that would otherwise be a part of the remedies in the above-captioned action.

3. Plaintiffs and the City stipulate that, for purposes of resolving Plaintiffs' claims in the above-captioned action, the Court-Ordered Monitoring related to trespass enforcement in or around NYCHA residences will be identical to the Court Ordered Monitoring

in the Floyd Remedies Opinion, including the duration of the Court-Ordered Monitoring. The Parties further stipulate that after an additional two years of Court oversight after termination of the Court-Ordered Monitoring, and assuming continued Substantial Compliance, Plaintiffs will not oppose a City Motion to terminate this Stipulation.

4. The Parties stipulate that following the Final Approval Date and the Dismissal Date, the Parties will jointly request that this case be transferred by the Effective Date to the Honorable Analisa Torres for oversight of the remedies set forth in Sections D, E, F, G and H of this Stipulation pursuant to Paragraph N.3 herein.

5. Plaintiffs and the City stipulate that, after this case has been transferred to the Honorable Analisa Torres, Plaintiffs and the City will jointly request that the Court endorse a Stipulation and Order to incorporate, in full, the terms and provisions of the Floyd Remedies Opinion into the above-captioned case, including the duties of the Monitor, for the purpose of enforcing the Stipulation as it pertains to reforms to the NYPD's practices that relate to trespass enforcement in or around NYCHA residences, including training, supervision, monitoring and discipline of officers.

6. The Parties stipulate that any Orders issued by the Honorable Analisa Torres arising from the recommendations of the Court-Ordered Monitoring pertaining to the above-captioned action will be adopted and have full force in the above-captioned action.

7. Plaintiffs and the City stipulate that the terms of the City's Substantial Compliance with respect to the reforms required by this Stipulation will be pursuant to Paragraphs B.21 and H.3 herein.

#### **I. INDIVIDUAL DAMAGES CLAIMS AGAINST DEFENDANT CITY**

1. The City has agreed to pay a total of \$270,000 to settle the Named Plaintiffs' individual damages claims.

2. The Plaintiffs and City agree that each Named Plaintiff will sign and execute a Stipulation of Settlement and Order of Dismissal, a General Release, and an Affidavit Regarding Status of Liens. The failure of an individual plaintiff to execute any of the aforementioned documents will result in non-payment of damages to that Named Plaintiff, but will not otherwise affect the operation of this Stipulation or the rights of any other Named Plaintiff or Class Members.

**J. ATTORNEYS' FEES AND COSTS FROM DEFENDANT CITY**

1. The City has agreed to pay attorneys' fees totaling \$2,487,481.50 and costs totaling \$464,242.64 to Class Counsel for all attorney time and expenses incurred through September 30, 2014.

2. The City shall pay reasonable attorneys' fees and costs to Class Counsel based upon agreed hourly rates for time spent to date from October 1, 2014, until the date of the transfer to the Honorable Analisa Torres. Class Counsel shall submit invoices for their time and costs. Any disputes over fees and costs shall be adjudicated by the Court.

3. Plaintiffs' receipt of attorneys' fees and costs incurred in connection with the Court-Ordered Monitoring will be subject to Court approval. The City reserves its rights to object to any application for such fees and costs.

**K. INDIVIDUAL DAMAGES FROM DEFENDANT NYCHA**

1. NYCHA has agreed to pay damages to the Named Resident Plaintiffs totaling \$25,000.00 to settle their individual claims.

2. The Plaintiffs and NYCHA agree that each Named Resident Plaintiff will sign and execute a Stipulation of Settlement and Order of Dismissal, a General Release, and an Affidavit Regarding Status of Liens. The failure of an individual plaintiff to execute any of the aforementioned documents will result in non-payment of damages to that Named Resident



Plaintiff, but will not otherwise affect the operation of this Stipulation or the rights of any other Named Resident Plaintiff or the Class Members.

**L. NYPD DOCUMENT MAINTENANCE AND DISCLOSURE**

1. The NYPD shall maintain, consistent with NYPD procedures and, if applicable, any modifying orders by the Court, all records that document its compliance with the remedies set forth in Sections D, E, F, G, and H of this Stipulation.

2. The NYPD shall maintain all files regarding any investigation of misconduct relating to any complaint pertaining to a stop and/or arrest for suspicion of trespass on NYCHA property, as well as all disciplinary files maintained in conjunction therewith, as required by current regulations of the City and the NYPD, and, if applicable, any modifying orders by the Court.

3. The City shall disclose to Class Counsel and the Monitor during the Court-Ordered Monitoring any information related to the Court-Ordered Monitoring that the Monitor determines should be disclosed to Class Counsel, and such information shall be disclosed at intervals determined by the Monitor.

**M. CLASS NOTICE**

1. The Parties shall cause to be published a notice to Class Members in the form attached hereto as Exhibit H. Such notice shall be published in the *New York Daily News*, the *New York Post*, the *Amsterdam News*, and *El Diario* three times within the same two-week period, or as otherwise ordered by the Court, and shall be posted conspicuously in central locations in all NYCHA residential buildings.

2. Costs of publication of notice shall be borne by the City.

**N. EFFECT OF THE SETTLEMENT STIPULATION  
ON THE PENDING ACTION**

1. Plaintiffs will take all necessary and appropriate steps to obtain approval of this Stipulation and dismissal of the above-captioned action with prejudice. If the Court approves this Stipulation, and if there is an appeal from such decision, Defendants will join Plaintiffs in defense of the Stipulation.

2. On or after the Final Approval Date, the District Court will dismiss the above-captioned action, with prejudice and without costs, expenses, or fees in excess of the amount authorized by the Court or agreed upon by the Parties in accordance with Paragraphs B.7 and Section J herein.

3. Subsequent to dismissal of this action with prejudice, the District Court shall retain jurisdiction for purposes of monitoring and ensuring compliance with Sections D, E, F, G, and H of this Stipulation and pursuant to Paragraph H.4. herein. The District Court shall also retain jurisdiction over this action for the purpose of adopting any orders resulting from the Court-Ordered Monitoring and enforcing compliance with any other terms and provisions of this Stipulation pursuant to Paragraph H.6 herein.

4. The terms of this Stipulation shall be a full, final, and complete resolution of this action.

5. The Parties reserve their right to appellate review of the Court's decisions concerning compliance under the Stipulation, as governed by applicable law.

**O. DISPUTE RESOLUTION**

1. At any time prior to the expiration of this Stipulation, should the Class Representatives and/or Class Members determine that either and/or both of Defendants failed to comply with any term of the Stipulation, Class Counsel shall forward written notifications of

such non-compliance to the Deputy Commissioner of Legal Matters of the NYPD, General Counsel of NYCHA, and to the Office of the Corporation Counsel.

2. Should the Defendant, whom Class Representatives and/or Class Members contend has failed to comply with any term of the Stipulation, agree that it has not complied with the specified term(s), that Defendant shall specifically perform said term(s) within a reasonable period of time, to be mutually agreed upon through the good faith efforts of the Parties and their counsel.

3. Should the Defendant, whom Class Representatives and/or Class Members contend has failed to comply with any term of the Stipulation, dispute the determination of non-compliance by the Class Representatives and/or Class Members, or if the Parties cannot agree on a time frame within which that Defendant is to perform an obligation with which it agrees it has not complied, or in the event that Defendant fails to perform an obligation it has agreed to perform in accordance with the provisions of Paragraph O.2 above, Class Representatives and/or Class Members may apply to the Court for an order directing specific performance of that term or terms. Class Representatives and/or Class Members cannot make such an application before thirty (30) days after the initial notification of non-compliance to the NYPD, NYCHA, and the Office of the Corporation Counsel.

4. In no event shall any of the Defendants be adjudged in contempt for proven non-compliance with any of the terms or provisions of this Stipulation, unless and until the Defendants fail to comply with an order from the Court directing specific performance of such terms or provisions, obtained by the Class Representatives and/or Class Members in compliance with the provisions of Section O herein.

**P. RELEASE**

1. The Stipulation, as of the Effective Date, resolves in full any and all claims or rights of action against the Defendants and their predecessors, successors, or assignees together with past, present and future officials, employees, representatives, and agents of the NYPD, NYCHA, and the City of New York (the “Released Persons”), by any Plaintiffs and/or Class Members, including Class Representatives, contained in and/or arising from the Complaint and Amended Complaint in this action, and any other claims or rights of action that Plaintiffs and/or Class Members, including Class Representatives, may have based upon or arising from any alleged policy, pattern, or practice of unconstitutionality in the trespass stop, question, frisk, and arrest practices of the NYPD, and the alleged unreasonable terms and conditions of NYCHA’s House Rules, that could have been raised at this time in this action and for which the Class Representatives had standing to raise when filing the Complaint and Amended Complaint, with the exception of individual damages claims for which separate Stipulations will be required pursuant to Paragraphs I.2 and K.2 herein.

2. As of the Effective Date, Plaintiffs and/or Class Members, including the Class Representatives, hereby release and waive any and all claims and rights to pursue, initiate, prosecute or commence any and all causes of action, claims, damages, awards, equitable, legal and administrative relief, interest, demands or rights, before any court, administrative agency or other tribunal, or to file any complaint with regard to acts of commission or omission by the Released Persons related to, connected with, arising out of, or based upon, the allegations contained in, or arising from, the Complaint and Amended Complaint in this action for which the Class Representatives had standing to raise when filing the Complaint and Amended Complaint, with the exceptions of individual damages claims, for which separate Stipulations will be required pursuant to Paragraphs I.2 and K.2 herein.

3. This Stipulation does not affect the rights of an individual Class Member to bring individual damages claims against Defendants for what they believe is a violation of their rights, including any claims related to, connected with, arising out of, or based upon the allegations contained in or arising from the Complaint and Amended Complaint in this action.

4. This release will be, and may be, raised as a complete defense to and will preclude any action or proceeding encompassed by the release of the Released Persons subject to Paragraph P.3 above.

#### **Q. APPLICATION AND PARTIES BOUND**

1. Each Plaintiff and/or Class Member, including the Class Representatives, shall be deemed to have submitted to the jurisdiction of this Court.

2. This Stipulation applies to, and is binding upon, the Plaintiffs and/or Class Members, including the Class Representatives, Defendants, and their officers, agents, employees, successors, and assigns. This Stipulation is enforceable only by the Plaintiffs and/or Class Members, including the Class Representatives, and Defendants. The undersigned representatives of the Plaintiffs and/or Class Members, including the Class Representatives, certify that they are authorized to enter into and consent to the terms and conditions of the Stipulation and to execute and legally bind the Plaintiffs and/or Class Members, including the Class Representatives, to the Stipulation.

#### **R. MODIFICATION OF THE SETTLEMENT STIPULATION AND ORDER**

1. This Stipulation represents the entire agreement among the Parties, and no oral agreement entered into at any time nor any written agreement entered into prior to the execution of this Stipulation shall be deemed to exist, or to bind the Parties hereto, or to vary the terms and conditions contained herein, or to determine the meaning of any provisions herein. This Stipulation can be modified only on the written consent of all the Parties.

**S. NOTIFICATION OF PARTIES UNDER  
THE SETTLEMENT STIPULATION AND ORDER**

1. All notices contemplated by this Stipulation, other than notice to the class pursuant to Section M, shall be delivered by hand and by email as follows:

Jin Hee Lee  
NAACP Legal Defense and Educational Fund, Inc.  
40 Rector Street, 5th Floor  
New York, NY 10006  
Tel: (212) 965-3702  
[jlee@naacpldf.org](mailto:jlee@naacpldf.org)

Muriel Goode-Trufant  
Chief, Special Federal Litigation  
New York City Law Department  
Office of the Corporation Counsel  
100 Church Street  
New York, NY 10007  
Tel. (212) 356-3500  
[mgoode@law.nyc.gov](mailto:mgoode@law.nyc.gov)

Elana R. Beale  
Paul, Weiss, Rifkind, Wharton & Garrison LLP  
1285 Avenue of the Americas  
New York, NY 10019-6064  
Tel: (212) 373-3740  
[ebeale@paulweiss.com](mailto:ebeale@paulweiss.com)

David Farber  
General Counsel  
New York City Housing Authority  
250 Broadway, 9th Floor  
New York, NY 10007  
Tel. (212) 776-5184  
[david.farber@nycha.nyc.gov](mailto:david.farber@nycha.nyc.gov)

William Gibney  
The Legal Aid Society of New York  
199 Water Street, 6th Floor  
New York, NY 10038  
Tel: (212) 577-3419  
[WDGibney@legal-aid.org](mailto:WDGibney@legal-aid.org)




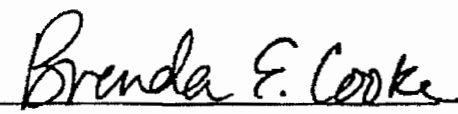
**T. NULLIFICATION**

1. This Stipulation is null and void in the event that any of the following do not occur:

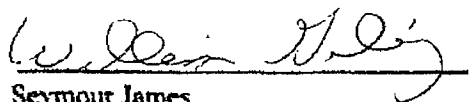
- a. Preliminary Approval of this Stipulation by the Court; or
- b. Final Approval by the Court; or
- c. Dismissal of this action with prejudice after Final Approval by the Court; or
- d. Transfer of the above-captioned action to the Honorable Analisa Torres for purposes described in Paragraph N.3 herein; or
- e. Failure to secure the Honorable Analisa Torres's approval and endorsement of the Proposed Stipulation and Order, attached as Exhibit I to this Stipulation, or a Stipulation and Order that is substantially and materially the same as Exhibit I.

Dated: New York, NY  
January 7, 2015

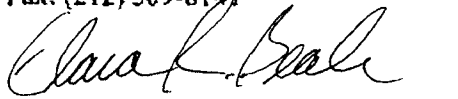
  
Sherrilyn Ifill  
Director Counsel  
Janai Nelson  
Christina Swarns  
Jin Hee Lee  
Rachel Kleinman  
NAACP LEGAL DEFENSE AND  
EDUCATIONAL FUND, INC.  
40 Rector Street, 5th Floor  
New York, NY 10006  
Tel: (212) 965-2200  
Fax: (212) 226-7592

  
Zachary W. Carter  
Corporation Counsel of the City of New York  
Brenda E. Cooke  
Muriel Goode-Trufant  
NEW YORK CITY LAW DEPARTMENT  
100 Church Street  
New York, New York 10007  
Tel: (212) 356-2344  
Fax: (212) 356-3509

*Attorneys for Defendant City of New York*

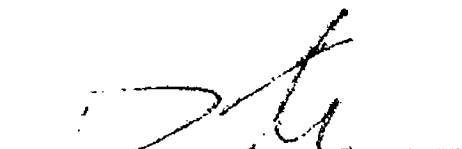


Seymour James  
Attorney-in-Chief  
William Gibney  
Steven Wasserman  
THE LEGAL AID SOCIETY OF NEW YORK  
199 Water Street, 6th Floor  
New York, NY 10038  
Tel: (212) 577-3419  
Fax: (212) 509-8141



Michele Hirshman  
Erin E. Elmouji  
Elana R. Beale  
PAUL, WEISS, RIFKIND, WHARTON &  
GARRISON LLP  
1285 Avenue of the Americas  
New York, NY 10019-6064  
Tel: (212) 373-3000  
Fax: (212) 492-0740

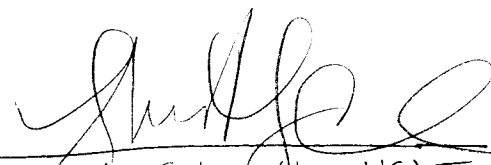
*Attorneys for the Plaintiff Class and Individual  
Plaintiff Class Representatives*



David Farber  
General Counsel  
NEW YORK CITY HOUSING AUTHORITY  
250 Broadway, 9th Floor  
New York, NY 10007  
Tel. (212) 776-5184

*Attorney for Defendant New York City Housing  
Authority*

SO ORDERED.



2/4/15 Shira H. Scheindlin, USDT



## PATROL GUIDE

Section: Command Operations		Procedure No: 212-60	
<b>INTERIOR PATROL OF HOUSING AUTHORITY BUILDINGS</b>			
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.

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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 rule, 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

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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 felony or a Penal Law 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

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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 felony or a Penal Law 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 is the officer has probable cause to believe that a person committed a felony or misdemeanor or the person committed a petty offense/violation in the officer’s presence.
  - 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.



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**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)*

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*Vertical Patrol (P.G. 212-59)*

***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)***

DRAFT

# **REVISED EXHIBIT D**

**LESSON PLAN COVER SHEET**

<b>COURSE:</b> BASIC RECRUIT COURSE	<b>TRAINEE LEVEL:</b> RECRUIT OFFICER
<b>LESSON:</b> PATROL OPERATIONS / INTERIOR PATROL	<b>TIME REQUIRED:</b> APPROXIMATELY 9 HOURS
<b>PREPARED BY:</b> NEW YORK CITY POLICE ACADEMY, CURRICULUM AND EVALUATION UNIT	<b>DATE PREPARED:</b> SEPTEMBER 2003
<b>REVISED BY:</b> SGT AARON LAI, NEW YORK CITY POLICE ACADEMY, CURRICULUM AND EVALUATION UNIT, SPECIALIZED TRAINING SECTION AND OFFICE OF DEPUTY COMMISSIONER OF LEGAL MATTERS	<b>DATE REVISED:</b> DECEMBER 2014
<b>REVIEWED BY:</b> LT CHRISTINE SEPPA, NEW YORK CITY POLICE ACADEMY, CURRICULUM AND EVALUATION UNIT	<b>DATE REVIEWED:</b> DECEMBER 2014
<b>APPROVED BY:</b> : LT CHRISTINE SEPPA, NEW YORK CITY POLICE ACADEMY, CURRICULUM AND EVALUATION UNIT	<b>DATE APPROVED:</b> DECEMBER 2014
<b>TRAINING NEED:</b> ENTRY LEVEL POLICE OFFICER TRAINING	
<b>INSTRUCTIONAL GOAL:</b> The recruit officer will be able to understand the manner in which the Department provides protection and service to the public is mainly through the work of the patrol force. The recruit officer will also learn to conduct encounters with public housing residents and guests with courtesy and respect and in compliance with all state and federal laws.	

<b>LESSON: PATROL OPERATIONS</b>	<b>INSTRUCTOR CUES:</b>
<p><b>LEARNING OBJECTIVES:</b> At the completion of this lesson the student will be able to:</p> <ul style="list-style-type: none"> <li>A. Describe the events which occur at roll call.</li> <li>B. Identify and discuss Precinct and Transit Patrol.</li> <li>C. Explain the proper procedure for interior patrol and its legal implications.</li> <li>D. Describe the purpose and rationale for conducting interior patrols within Housing Authority property.</li> <li>E. Describe the importance of proper interactions between police officers and Housing Authority residents and guests.</li> <li>F. Explain the revision to Patrol Guide section 212-60, "Interior Patrol of Housing Authority Buildings."</li> <li>G. Identify situations when an officer (a) may legally approach or stop someone on NYCHA property, and (b) when an officer should prepare a "Field Report."</li> <li>H. Identify situations when an officer may legally stop someone for trespass-related crimes on NYCHA property and complete a UF-250 form.</li> <li>I. Identify situations when an officer may legally arrest someone for trespass-related crimes on NYCHA property and complete a Trespass Crimes – Fact Sheet.</li> <li>J. Identify situations when an officer encounters someone in a restricted area of NYCHA property and the proper actions to take in those situations.</li> <li>K. Explain the consequences of failing to adhere to the law in regard to stopping or arresting persons on NYCHA property.</li> <li>L. Explain the procedures to take when confronted with a disabled elevator, defective door lock or intercom, or missing or defective signs.</li> <li>M. Identify the circumstance when a Field Report will be prepared.</li> <li>N. Explain the NYCHA Trespass Notice Program.</li> <li>O. Discuss Supplementary procedures involving patrol operations.</li> <li>P. List the required Activity Log entries at the beginning and end of tour.</li> </ul>	

<b>LESSON: PATROL OPERATIONS</b>		<b>INSTRUCTOR CUES:</b>
<b>METHOD OF PRESENTATION:</b> Lecture, Question & Answer, Group Discussion		<b>CLASSROOM REQUIREMENTS:</b> Formal Classroom Seating
<b>METHOD OF EVALUATION:</b> Quizzes		
<b>STUDENT MATERIAL:</b> Notebook And Pen, Student Guide, Patrol Guide, Penal Law		
<b>TRAINING AIDS, SUPPLIES, EQUIPMENT:</b> Computer and Monitor, PowerPoint, DVD “Preventing Friendly Fire, Prod# 09-035”		<b>BIBLIOGRAPHY:</b> NYPD Police Student’s Guide NYPD Patrol Guide NYS Penal Law



LESSON: PATROL OPERATIONS	INSTRUCTOR CUES:
<p style="text-align: center;"><b><u>INTRODUCTION</u></b></p> <p>Imagine it is 1:30 a.m. and a person is riding the subway home from a ballgame that went into extra innings. They feel a little nervous about being in the enclosed subway car all by themselves. At the far end of the car they hear the doors open and in walks a police officer patrolling the train. All of a sudden they feel their anxiety disappear and they start to relax. This experience is shared by thousands of New York's citizens every day. Whether it's in the subway, on a jogging path in central park, or on a street corner in Queens, the NYPD's patrol force makes New Yorkers feel safe.</p> <p>Over the past fifteen years we have seen a historic drop in crime in New York City. Many factors have contributed to this, but one fact cannot be disputed, the men and women who walk a foot post or cruise a patrol sector are no doubt the root cause of this drop in crime. A key element in crime prevention is police officers' relationships with community members, who are valuable sources of information and assistance. It is, therefore, imperative to maintain good relations with Housing Authority residents and guests. All officer inquiries, interactions, and enforcement activities in Housing Authority buildings must be conducted with the courtesy, professionalism, and respect all persons are entitled to in their own homes.</p> <p>At the conclusion of this lesson, the student will be able to:</p> <ul style="list-style-type: none"> <li>• Describe the events which occur at roll call.</li> <li>• Identify and discuss Precinct and Transit patrol.</li> <li>• Explain the proper procedure for interior patrol and its legal implications: <ul style="list-style-type: none"> <li>A. Describe the purpose and rationale for conducting interior patrols within Housing Authority property.</li> <li>B. Describe the importance of proper interactions between police officers and Housing Authority residents.</li> <li>C. Explain the revision to Patrol Guide section 212-60, "Interior Patrol of Housing Authority Buildings."</li> <li>D. Identify situations when an officer (a) may legally approach or stop someone on NYCHA property, and (b) when an officer should prepare a "Field Report."</li> <li>E. Identify situations when an officer may legally stop someone for trespass-related crimes on NYCHA property and complete a UF-250 form.</li> <li>F. Identify situations when an officer may legally arrest someone for trespass-related crimes on NYCHA property and complete a Trespass Crimes – Fact Sheet.</li> </ul> </li> </ul>	

<b>LESSON: PATROL OPERATIONS</b>	<b>INSTRUCTOR CUES:</b>
<p>G. Identify situations when an officer encounters someone in a restricted area of NYCHA property and the proper actions to take in those situations.</p> <p>H. Explain the consequences of failing to adhere to the law in regard to stopping or arresting persons on NYCHA property.</p> <p>I. Explain the procedures to take when confronted with a disabled elevator, defective door lock or intercom, or missing or defective signs.</p> <p>J. Identify the circumstance when a Field Report will be prepared.</p> <p>K. Explain the NYCHA Trespass Notice Program.</p> <ul style="list-style-type: none"> <li>• Discuss Supplementary procedures involving patrol operations.</li> <li>• List the required Activity Log entries at the beginning and end of tour.</li> </ul> <p style="text-align: center;"><b><u>BODY</u></b></p> <p><b>I. EVENTS THAT OCCUR AT ROLL CALL</b></p> <p>A. Patrol</p> <ol style="list-style-type: none"> <li>1. Patrol is the first stage of police work that challenges a newly graduated officer from the police academy. Your primary function when on patrol is to be a visible presence in the community and at the same time be available to respond to requests for assistance.</li> </ol> <p>B. Roll Call</p> <ol style="list-style-type: none"> <li>1. Before leaving your command your tour starts with a roll call.</li> </ol> <p>Note: Roll Call starts five minutes after the start of the tour of duty.</p> <ol style="list-style-type: none"> <li>2. Takes place in all commands which provide patrol services. (Pct, PSA, Transit District...)</li> <li>3. Conducted by a supervisor</li> <li>4. In a designated area of the command</li> <li>5. Purpose is to conduct roll call for UMOS five minutes after the start of tour.</li> </ol>	<p>Learning Objective #1</p> <p>P.G. 212-01, Roll Call</p> <p>Muster or sitting room at the discretion of commanding officer</p> <p><b>Review purpose of Command</b></p>

LESSON: PATROL OPERATIONS	INSTRUCTOR CUES:
<p>a) Reading of daily assignments  b) Briefing of special conditions / crime trends  c) Inspecting officers readiness for patrol  (1) Protective vest  (2) List deficiencies/Reprimand and instruct/Follow up  d) May include precinct level training</p> <p>C. Expiration of Tour</p> <p>1. Members assigned to a particular command must return to that command at the completion of their tour in order to:</p> <p>a) Hand in completed forms prepared during the tour (PAR, aided, summonses...)  b) Return department equipment (RMP, AED, etc.)  c) Sign the return roll call  d) If on a post which requires relief the officer must notify the desk officer <b>one hour</b> prior to the end of tour  e) If performing duty which will cause overtime the officer must notify the desk officer of such condition.</p> <p>D. Interrupted Patrol</p> <p>1. A member of the service while on patrol has the need to return a command (could be his / her command but doesn't have to be) for a specific reason.</p> <p>2. The officer must report to the desk officer and state the reason for such interruption. Upon completion the officer must inform the desk officer of their departure.</p> <p>3. Some common reasons to interrupt patrol:</p> <p>a) On meal  b) Vouchering property  c) Personal necessity</p> <p><b>II. PRECINCT AND TRANSIT PATROL</b></p> <p>A. Patrol Precinct</p> <p>1. The majority of police officers are assigned to patrol precincts.</p> <p>Example: A foot post in the 46<sup>th</sup> precinct, sector 19 Boy</p>	<p><b>Conditions Report, two primary conditions to be addressed, correct Activity Log entries to be made at start of tour <u>including two primary conditions to be addressed.</u></b></p> <p>Refer to Patrol Guide # 212- 03 <i>Expiration of Tour</i></p> <p>Learning Objective #2</p>

LESSON: PATROL OPERATIONS	INSTRUCTOR CUES:
<p>patrolling the east side of Manhattan.</p> <ol style="list-style-type: none"> <li>2. Patrol serves three functions: <ol style="list-style-type: none"> <li>a) To deter crime</li> <li>b) To enhance feelings of public safety</li> <li>c) To make officers available for service</li> </ol> </li> <li>3. Patrol within a precinct typically involves two (2) areas: <ol style="list-style-type: none"> <li>a) Foot Patrol</li> <li>b) RMP Patrol.</li> </ol> </li> </ol> <p>B. Foot Post</p> <ol style="list-style-type: none"> <li>1. Usual post for probationary police officers. <ol style="list-style-type: none"> <li>a) Heavy public contact.</li> <li>b) Become familiar with conditions on your post.</li> <li>c) Some specific duties of officers on a foot post.</li> <li>d) Report any unusual crimes or occurrences to the patrol supervisor and platoon commander.</li> <li>e) Report conditions not requiring immediate attention to the command clerk.</li> <li>f) Must <b>signal or ring</b> the command each hour if not issued a radio.</li> <li>g) Other rings: <ol style="list-style-type: none"> <li>(1) On 1<sup>st</sup> platoon between 0200 – 0700</li> <li>(2) If assigned to school or church crossing post</li> <li>(3) Ring before and after condition.</li> <li>(4) Do not signal if assigned to a traffic post</li> </ol> </li> <li>h) Don't leave post except for meal and then return to post upon completion.</li> <li>i) Notify radio dispatcher: <ol style="list-style-type: none"> <li>(1) Of the beginning of meal</li> <li>(2) Of the location of where meal will be taken.</li> <li>(3) Make Activity Log entries prior to leaving post.</li> <li>(4) Keep the T/S operator updated as to service rendered when given assignments from the command.</li> </ol> </li> </ol> </li> </ol> <p>C. Sector Car Patrol (Radio Motor Patrol)</p> <ol style="list-style-type: none"> <li>1. A sector car covers a defined area within a command. <ol style="list-style-type: none"> <li>a) A sector car consists of two officers working together in the role of an <b>operator</b> and a <b>recorder</b>.</li> </ol> </li> </ol>	

LESSON: PATROL OPERATIONS	INSTRUCTOR CUES:
<p>Note: In accordance with Patrol Guide procedures the officers must switch duties at the fourth hour of the tour.</p> <p>b) Radio Motor Patrol (RMP) Operator</p> <ol style="list-style-type: none"> <li>(1) Driver of the RMP.</li> <li>(2) Must inspect the RMP before starting patrol.</li> <li>(3) The operator must make Activity Log entries of conditions of the RMP, odometer reading and amount of gasoline in the tank as registered by the indicator, in addition to all other entries required by P.G. 212-08 Activity Logs.</li> <li>(4) Make minor repairs as warranted</li> <li>(5) Notify the desk officer if the RMP requires any major repair work.</li> </ol> <p>c) Radio Motor Patrol (RMP) Recorder</p> <ol style="list-style-type: none"> <li>(1) In charge of all radio communications with central and land line communications with the command.</li> <li>(2) The recorder will document in Activity Log radio messages directed to car, including time, location of call and type of case, in addition to all other required entries as per patrol guide 212-08 Activity Logs.</li> <li>(3) Responsible for preparing all reports.</li> <li>(4) Will coordinate security when transporting prisoners or EDP's</li> <li>(5) Will inform central when transporting a non – member of the service ( prisoner , EDP's, victim...) - (Activity Log entry: time entered, gender, mileage)</li> <li>(6) Upon completion of the transport notify central as to the time exited and the closing mileage.</li> </ol> <p>Note: Together the operator and recorder make up a <b>sector team</b>.</p> <p>D. A Sector Team</p> <ol style="list-style-type: none"> <li>1. Do not leave your assigned sector unless instructed by competent authority or in response to an emergency situation.</li> <li>2. Respond to messages of serious police emergencies within</li> </ol>	

LESSON: PATROL OPERATIONS	INSTRUCTOR CUES:
<p><b>five (5) blocks</b> even if not directed to you.</p> <ol style="list-style-type: none"> <li>3. Upon leaving the RMP lock the doors, take the keys. Do not leave the radio in the RMP.</li> <li>4. Notify the radio dispatcher when taking assigned meal.</li> </ol> <p>E. Police Attendant</p> <ol style="list-style-type: none"> <li>1. Maintain the cell area and tend to prisoners;</li> <li>2. Remove and safeguard firearms prior to entering the detention cell area;</li> <li>3. Assume control of, search and inspect prisoners;</li> <li>4. Ensure that property that is dangerous to life, may facilitate escape or may damage or deface other property is removed from prisoner;</li> <li>5. Document inspection of prisoners on the <b>Prisoner Roster</b>, and notify desk officer of inspection results immediately after reporting for duty;</li> <li>6. Remain inside cell block at all times while prisoners are confined therein, and be alert to conditions and needs of such prisoners;</li> <li>7. Document results of inspection of prisoners on Prisoner Roster every thirty (30) minutes;</li> <li>8. Report to desk officer any physical condition or unusual need of prisoner in custody or in the detention area and report necessary command/detention area repairs to the Commanding Officer.</li> </ol> <p>F. Patrolling the Transit System</p> <ol style="list-style-type: none"> <li>1. Procedures to follow when patrolling the transit system include: <ol style="list-style-type: none"> <li>a) Inspect concession stands, toilets, stairways and all booths.</li> <li>b) Confer with the booth clerk regarding police conditions at the station.</li> <li>c) Visit each station comprising your post at least once during the tour.</li> <li>d) Investigate suspicious conditions in the station.</li> <li>e) Make Activity Log entries concerning any conditions</li> </ol> </li> </ol>	



LESSON: PATROL OPERATIONS	INSTRUCTOR CUES:
<p>informed of.</p> <ul style="list-style-type: none"> <li>f) Prevent persons from entering the system who are unable to care for themselves. (request assistance for such people as needed)</li> <li>g) Know the hours of operation for concessions stands in the station.</li> </ul> <p>2. Train Patrol</p> <p>When assigned to conduct train patrol, the uniformed member of the service will do the following:</p> <ul style="list-style-type: none"> <li>a) Record lead car number of train in Activity Log when boarding.</li> <li>b) Be aware of location at all times including the previous stop, next stop, train line, direction of travel and location on train. (i.e., third car from front)</li> <li>c) Exercise extreme caution when taking police action on board a train, especially when patrolling alone.</li> </ul> <p><b>Note:</b> Officer safety is of paramount concern, violator should be detained when taking police action. Officer should interview subjects in the vicinity of Station Agents or request additional units if necessary.</p> <ul style="list-style-type: none"> <li>d) Inspect each car of train.</li> <li>e) Patrol separate from other UMOS unless assignment directs otherwise.</li> <li>f) Avoid remaining in a single car for more than three stops unless conditions warrant.</li> <li>g) Ensure all unoccupied conductor and train operator cabs are secured.</li> <li>h) Pay special attention to the rear car of train.</li> <li>i) Visually inspect station platforms when train has stopped by leaning or stepping out of train car.</li> <li>j) Make Activity Log entry when de-training.</li> <li>k) Minimize time spent at terminal points unless engaged in police activity, meal or personal necessity.</li> </ul> <p>3. Conducting "Ride-Throughs" in Subway Cars with Full Width Train Operator Cabs</p> <ul style="list-style-type: none"> <li>a) Uniformed members of the service assigned to the Transit Bureau are often called upon to conduct "ride-through". A ride-through is performed by riding in the front of the lead car of a train and instructing the Train</li> </ul>	<p>Train Patrol, Ride Throughs, Train Order Maintenance Sweeps and NYC Student's MetroCard material extracted from <i>Transit Bureau Orientation Training Manual – March 2012</i></p>

LESSON: PATROL OPERATIONS	INSTRUCTOR CUES:
<p>Operator to proceed at a low rate of speed, visually searching the tunnel and track area for any unauthorized persons or suspicious items. A ride-through is conducted for a variety of reasons including searching a tunnel area for perpetrators, and performing “sweeps” for suspicious persons or packages, particularly in under water tubes.</p> <p>b) To properly conduct a ride-through the member of the service must have a clear and unobstructed view of the track area. On the new subway cars, this view is obstructed by train operator’s cab which occupies the entire width of the subway car. Members of the service cannot effectively conduct a ride-through by looking through the Train Operator’s cab on these train cars. In train cars with this design, the uniformed member of the service must enter the Train Operator’s cab to conduct a ride through. The Transit Bureau has reached an agreement with New York City Transit to allow officers this access. However, before a Train Operator will allow a UMOS into the cab, the following must be taken:</p> <p>(1) The UMOS conducting the ride-through <b>MUST</b> be in uniform.</p> <p>(2) The UMOS <b>MUST</b> identify him/herself to the Train Operator and provide a shield number before entry into the Train Operator’s cab.</p> <p>c) When conducting a ride-through safety is paramount. UMOS should exercise good judgment and sound tactics at all times. UMOS should also avoid placing New York City Transit personnel at risk unnecessarily.</p> <p>4. Train Order Maintenance Sweep (T.O.M.S.)</p> <p>a) Train Order Maintenance Sweep is a patrol tactic involving the deployment of optimally one (1) supervisor and eight (8) police officers to a subway platform, where they will conduct aggressive train inspections. During a T.O.M.S., the officers are spread along the platform so that the entire train may be quickly inspected. For instance, one (1) officer at each of the first four cars and one (1) officer at each of the last four cars, with the supervisor at the center</p>	

LESSON: PATROL OPERATIONS	INSTRUCTOR CUES:
<p>two cars and conductor position. The supervisor will usually request the conductor to announce to passengers, "The train will be momentarily delayed for a police inspection." This provides omnipresence to passengers and permits observations and corrections of disorder and unlawful behavior. In addition, T.O.M.S. is an effective counterterrorism tool.</p> <p>5. New York City Transit Student MetroCard</p> <p>a) All students eligible for transportation passes are issued a Student MetroCard. The following are specifics on the use of a Student MetroCard:</p> <ul style="list-style-type: none"> <li>(1) Student MetroCard activates a yellow light on the turnstiles.</li> <li>(2) It is valid from 0530 to 2030, Monday through Friday.</li> </ul> <p><b>Note:</b> A "Valid on Sundays Pass" is valid from 0530 to 2030, Sunday through Friday, for Private School students who attend school on Sundays.</p> <p><b>Note:</b> A "Night High School Pass" is valid from 1300 to 0100, Monday through Thursday and from 0800 to 2000 on Sunday for night school students.</p> <ul style="list-style-type: none"> <li>(3) It is valid for three (3) rides per day (not limited to home/school stations).</li> <li>(4) Some Student MetroCards are valid for four (4) rides per day (at the discretion of School Principal).</li> <li>(5) May be used on both subways and buses.</li> <li>(6) May be used by students who are pregnant or accompanied by children attending schools established by the Department of Education in each borough.</li> <li>(7) May be used by persons up to twenty-one (21) years of age attending Department of Education District 75 to and from school or work sites. These students may be experience learning or developmental disabilities and should be treated with proper tact. These students must carry NYC Department of Education Identification to be presented to police upon</li> </ul>	

LESSON: PATROL OPERATIONS	INSTRUCTOR CUES:
<p>request.</p> <p>b) A Student MetroCard is to be used by the person whose name appears on the pass, for transportation to and from school ONLY on days when school is in session. A Student MetroCard is to be confiscated if:</p> <ol style="list-style-type: none"> <li>(1) Offered for use by any other person</li> <li>(2) Altered</li> <li>(3) Misused</li> <li>(4) Cardholder commits any felony or misdemeanor against a transit employee, passenger or property</li> </ol> <p>c) In all cases of confiscation, comply with P.G. 215-15, <i>Confiscation of New York City Transit Student MetroCards</i> and prepare a School Transportation Pass Confiscation Report (PD516-170). In addition to confiscation, if the MetroCard is also illegally possessed, further summary police action, i.e., arrest should be taken as appropriate.</p> <p>d) If a Student MetroCard is unlawfully used by a non-named student (including adults) or used by a named student during non-school days or non-school hours:</p> <ol style="list-style-type: none"> <li>(1) Determine valid identity, and conduct warrant/recidivist check.</li> <li>(2) Issue TAB/NOV (Transit Adjudication Bureau Summons / Notice of Violation) for fare evasion if eligible.</li> <li>(3) Effect arrest for fare evasion if violator is ineligible for TAB/NOV (e.g., active warrant, transit recidivist, no identification, etc.).</li> <li>(4) MUST arrest if violator is a Department of Education employee unlawfully using a Student MetroCard.</li> <li>(5) Prepare a Juvenile Report System Worksheet if violator is under sixteen (16) years old.</li> </ol> <p>e) If a Student MetroCard is lawfully used by named student cardholder, but not all captions are filled out:</p> <ol style="list-style-type: none"> <li>(1) Direct student to fill-out captions.</li> <li>(2) Return Student MetroCard to student if no other violation has been committed.</li> <li>(3) Take no further enforcement action if the only</li> </ol>	

LESSON: PATROL OPERATIONS	INSTRUCTOR CUES:
<p>violation is that a Student MetroCard has not been completely filled out.</p> <p>f) If a person is arrested for a felony or misdemeanor against New York City Transit, its property or its customers/employees and upon search incident to a lawful arrest is found to be in possession of a Student MetroCard, the Student MetroCard will be confiscated.</p> <p>6. Subway train signaling for police assistance</p> <p>a) A train operator and or conductor may utilize a horn or whistle to request police assistance. The signal consist of a long horn, follow by a short horn, then another long horn follow by a short horn.</p> <p>b) UMOS upon hearing the signal shall proceed tactically in a safe manner to the subway conductor or operator to investigate the police condition.</p> <p>7. Removal of power in the subway</p> <p>a) Removal of power in the subway can be extremely hazardous, dangerous and disruptive to police personnel, passengers and New York City Transit employees; this request should only be made in extreme emergencies involving life-threatening situations. Before requesting the removal of power, consider the wide-scale ramifications of this action. Some of the factors to be considered, but not limited to, are:</p> <ul style="list-style-type: none"> <li>(1) The time of day (rush hour/non-rush hour);</li> <li>(2) Weather conditions (extreme heat);</li> <li>(3) Type of station (elevated or below ground);</li> <li>(4) Location of trains;</li> <li>(5) Extent of injuries in aided cases;</li> <li>(6) Risk to the riding public, if a crime is involved.</li> </ul> <p>b) When it becomes necessary to request the removal of power in the subway: Notify the radio dispatcher in the usual manner and provide complete details of the</p>	<p>Transit Officers will receive Track</p>

LESSON: PATROL OPERATIONS	INSTRUCTOR CUES:
<p>situation. Then request the response of the Patrol Services Bureau and Transit Bureau patrol supervisors, and additional units necessary to secure the platform area and points of entry to the tunnel.  <b>DO NOT ENTER THE TRACK AREA, EXCEPT IN EXTREME EMERGENCIES!</b></p> <p>c) When it is necessary to immediately remove power from track area due to imminent danger: Open the emergency alarm box (located in subway tunnels, spaced about 400 to 600 feet apart, beneath the blue light) and pull lever down as far as it will go and release the lever. Power on all tracks in the vicinity will be immediately turned off. Use the telephone (located at the alarm box), immediately after removing power, to notify the Rapid Transit Operations Command Center Desk Superintendent of the situation. Notify the radio dispatcher via radio, if telephone notification cannot be made, and request that immediate notification be made to the Desk Superintendent concerned.</p> <p><b>Note:</b> New York City Transit will <i>automatically restore</i> the power if notification is not made immediately.</p> <p>8. Ejecting passengers from the system</p> <p>a) A person on the transit system may be ejected (removed to the street) for a specified reason (violating any portion of NYCRR Part 1050)</p> <ol style="list-style-type: none"> <li>(1) Advise the passenger of the reason</li> <li>(2) Give the passenger an opportunity to leave without interference</li> <li>(3) If unwilling to leave voluntarily, use no more force than is necessary to effect the ejection</li> <li>(4) Make Activity Log entries and prepare a Transit System Ejection Report if a TAB summons was not issued in conjunction with the ejection.</li> </ol> <p><b>Note:</b> If a TAB summons was issued and an ejection is effected, check off the "Ejection" box on the front of the TAB summons.</p> <ol style="list-style-type: none"> <li>(5) Submit this report to the desk officer upon completion of your tour.</li> </ol>	<p>Certification Training upon assignment to the Transit Bureau</p>



<b>LESSON: PATROL OPERATIONS</b>	<b>INSTRUCTOR CUES:</b>
<p>9. Photography in the New York City Transit System</p> <p>a) When UMOS observes a person engaging in photography in the transit system:</p> <ol style="list-style-type: none"> <li>(1) Take no action if person is not using ancillary equipment or interfering with safe operation of transit operations.</li> <li>(2) Ascertain whether person has valid press identification issued by the New York City Police Department if person is using ancillary equipment such as tripods, lights, or reflectors.</li> </ol> <p>b) If person using ancillary equipment does not have valid identification or is creating a hazard to the public:</p> <ol style="list-style-type: none"> <li>(1) Warn person he/she is in violation of New York City Transit rules and ask person to cease.</li> <li>(2) Issue NOV/TAB or Criminal Court Summons, eject from system or arrest as appropriate if person does not desist.</li> </ol> <p><b>III. EXPLAIN THE PROPER PROCEDURE FOR INTERIOR PATROL AND ITS LEGAL IMPLICATIONS</b></p> <p>A. Describe the purpose and rationale for conducting interior patrols within Housing Authority property.</p> <ol style="list-style-type: none"> <li>1. NYCHA and the New York City Police Department collaborate to provide residents with decent and affordable housing in a safe and secure living environment throughout the five boroughs. The NYC Police Department inherited responsibility for NYCHA property from the Housing Authority police. Although NYC Police Department Members of the Service are not employees of NYCHA, they act on behalf of NYCHA in providing security for NYCHA buildings and grounds.</li> <li>2. In performing interior patrols (also sometimes referred to as "vertical patrols"), the New York City Police Department's primary role is providing a safe and secure living environment for NYCHA residents by ensuring the habitability of NYCHA buildings, enforcing NYCHA rules, providing access control for NYCHA buildings, and deterring criminal behavior. The proper performance of these functions will create a safe and secure environment to protect residents from crime and</li> </ol>	<p>Learning Objective #3</p>

LESSON: PATROL OPERATIONS	INSTRUCTOR CUES:
<p>respect the rights they possess as residents.</p> <ol style="list-style-type: none"> <li>3. In order for the NYC Police Department to be effective in achieving such goals, it is important that all members of the department understand the legal boundaries that accompany their role. Understanding these legal boundaries, and conducting all interactions in a courteous, professional and respectful manner, are critical parts of building a positive relationship with NYCHA residents. As with any residential area, there are residents who abide by rules and laws under which they are bound and there are those who do not. Our job is to fairly and impartially enforce laws and regulations to create a safe and orderly residential environment.</li> <li>4. The main purpose of this lesson is to demonstrate a methodical procedure for officers to: <ol style="list-style-type: none"> <li>a) Identify problems with NYCHA buildings that need to be brought to the attention of NYCHA management, including hazardous conditions, conditions in need of repair, and improper signage.</li> <li>b) Identify potential NYCHA rule violations, and provide access control for NYCHA buildings.</li> <li>c) Identify when to prepare Field Reports to document unsafe conditions and rule violations, so as to apprise NYCHA management of their existence.</li> <li>d) Identify potential criminal behavior, and approach, forcibly stop, and arrest individuals when appropriate.</li> <li>e) Perform these functions in a residential setting without exceeding their legal authority, and in a respectful, courteous and professional manner.</li> </ol> </li> </ol> <p>B. Describe the importance of proper interactions between police officers and Housing Authority residents and guests.</p> <ol style="list-style-type: none"> <li>1. It is often 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 resident's <i>homes</i>, and successful policing of NYCHA buildings depends upon consistently positive interactions with residents.</li> </ol>	

LESSON: PATROL OPERATIONS	INSTRUCTOR CUES:
<p>2. <u>Why are positive interactions important?</u></p> <ul style="list-style-type: none"> <li>a) The public trusts (or should trust) us to come into their lives when conditions require it to help them.</li> <li>b) Oftentimes a resident may become an ally and offer information on residents who are creating negative impacts on the development by their actions.</li> <li>c) A single negative interaction can make a lasting impression on individuals that may cause them to distrust police in all future interactions.</li> <li>d) The incidence of CCRB complaints and resultant disciplinary actions in founded cases may be reduced by the use of Courtesy, Professionalism, and Respect and Tactical Communication processes.</li> </ul> <p>3. <u>How may officers have the best chance that their interactions with the public will be positive?</u></p> <ul style="list-style-type: none"> <li>a) Use professional language.</li> <li>b) Be sharp, neat, well spoken....not sloppy, belligerent or hostile.</li> <li>c) Look and sound professional to attain respect from the public.</li> <li>d) Improve communication skills and tone of voice (lose the attitude).</li> <li>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 and they should not be subject to accusatory questions in their own homes unless an officer has an articulable reason for believing that criminal activity is afoot.</li> <li>f) Remember that by de-escalating a situation, you are helping yourself stay in control of the interaction.</li> </ul> <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>C. Explain Patrol Guide section 212-60, "Interior Patrol of Housing Authority Buildings."</p> <p>1. The purpose for conducting interior patrols in NYCHA</p>	

LESSON: PATROL OPERATIONS	INSTRUCTOR CUES:
<p>buildings is to assist the Housing Authority in enforcing its rules, to limit criminal activity, to provide a safe and secure environment, and to ensure the habitability of its residential buildings for Housing Authority residents and their guests.</p> <p>2. Uniformed members of the service shall frequently inspect the interior of Housing Authority buildings on their assigned posts as follows:</p> <ul style="list-style-type: none"> <li>a) Notify the Communications Section, <u>utilizing radio code 10-75I</u>, and make <i>Activity Log</i> entries of the time and street address upon entering the building.</li> <li>b) Inspect <u>front, rear, and other exterior doors</u> for any damaged or defective door locks or doors that are propped open, which may compromise the security of the building. If locks are damaged or defective, prepare a <i>Field Report</i>.</li> <li>c) Inspect intercom systems to ensure they are working properly. If intercom system is damaged or defective prepare a <i>Field Report</i>, and notify Housing Authority in accordance with the procedure set forth in P.G. 207-79, "<i>Field Reports</i>".</li> <li>d) Inspect mailboxes, and the interior of the lobby.</li> </ul> <p>Ascertain if NYCHA "No Trespassing" signs are posted and legible. For any missing, damaged or defective signs, prepare a <i>Field Report</i>.</p> <p><u>NOTE</u>: The absence of a sign does not preclude effecting a trespass arrest except possibly for an arrest based on an individual's presence in a restricted area of the Housing Authority building.</p> <ul style="list-style-type: none"> <li>e) Inspect elevators and ascertain if they are operable. Notify the <u>Housing Authority Emergency Service Department</u> maintenance personnel of inoperable elevators <u>by calling (718) 707-5900</u>.</li> <li>f) Proceed to the top floor by elevator, if operable, <u>otherwise by using the stairs</u>. Use the staircase to gain access to the roof of the building.</li> <li>g) Conduct an inspection of the <u>roof</u>, roof landing, elevator rooms, and any other installations.</li> </ul>	

LESSON: PATROL OPERATIONS	INSTRUCTOR CUES:
<p>Ascertain if NYCHA “Restricted Roof Access” signs and “Restricted Roof Landing Access” signs are posted and legible. For any missing, damaged or defective signs, prepare a <i>Field Report</i>.</p> <p>Ascertain if alarms to the roof are functioning. For any missing, damaged or defective alarms, prepared a <i>Field Report</i>.</p> <p>h) Patrol each floor, staircase and hallway within the building from the top floor to the ground floor.</p> <p>i) Inspect elevator doors on each floor, taking immediate action when necessary.</p> <p>(1) Notify the <u>Housing Authority Emergency Service Department at (718) 707-5900</u> or the <u>NYPD Emergency Service Unit immediately and remain at the scene and secure location until unsafe condition has been corrected</u> if:</p> <p>(a) Elevator door glass is missing,</p> <p>(b) Outer elevator door opens when elevator is not present,</p> <p>(c) Any other dangerous condition concerning elevators.</p> <p>(2) Prepare a <i>Field Report</i>.</p> <p>j) Inspect all accessible basement areas.</p> <p>k) <u>Be alert for persons who may be violating Housing Authority rules and regulations, including potentially unauthorized persons within NYCHA property.</u></p> <p>l) <u>Be alert for persons who may be engaged in criminal activity (including potential trespassers) based on observed behavior and other credible information, and upon encountering such persons:</u></p> <p>(1) <u>Approach the person(s) and ask:</u></p> <p>(a) <u>If he or she lives in the building.</u></p> <p>(b) <u>If he or she is visiting someone in the building.</u></p> <p>(c) <u>If he or she has business in the building.</u></p>	<p>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.</p> <p>A officer’s observation of a</p>

LESSON: PATROL OPERATIONS	INSTRUCTOR CUES:
<p>(2) Take reasonable measures to verify the person's authorization to be in the building, including but not limited to:</p> <ul style="list-style-type: none"> <li>(a) Inspecting and returning identification; and/or</li> <li>(b) Requesting a key to the building entrance doors or apartment door; and/or</li> <li>(c) Requesting the apartment number where the person resides; and/or</li> <li>(d) Requesting the name or apartment number of the person being visited.</li> </ul> <p>(3) Mere presence near, entry into or exit out of a Housing Authority building, without more, is not an objective credible reason to approach and question any person.</p> <p><u>NOTE:</u> Requests for information must be made in a polite, non-threatening manner. Questions should not be asked in a manner whereby a reasonable person would believe, under facts and circumstances presented, that he or she is not free to disregard the questions and continue on their way. Although an officer may ask further clarifying questions such as, "What apartment do you live in?" or "Who are you visiting?" the person's refusal to answer these questions or comply with requests, such as requests for identification, may not raise the level of suspicion.</p> <p>Police officers can be intimidating to many individuals. The manner of an officer's questioning may cause a reasonable person to feel like he or she cannot terminate the encounter and walk away. Examples include the use of language or tone indicating that compliance with the officer was compulsory; the display of a weapon; obstructing a person's path; holding onto identification. In such circumstances, the officer needs reasonable suspicion that the person is engaged in criminal activity.</p> <p><u>Factors that may raise the level of suspicion include:</u> a person's contradictory or inconsistent statements, the smell of marijuana or other evidence of drug use, the officer has patrolled the building for a long period of time knows most of the building's residents and has never seen the person before, the officer has previously arrested that person for trespass in that building, or the person's presence in area that has a high</p>	<p>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 <i>Field Report</i>.</p> <p>An officer should have, and be able to articulate, an objective credible reason for making this approach if the officer is merely requesting information.</p> <p>If the officer's questions become pointed and accusatory and more extended, the officer should have, and be able to articulate, a founded suspicion that criminal activity is afoot.</p> <p>The key question is whether a reasonable person under the circumstances would feel able to walk away from the officers.</p> <p>This list is not exhaustive; remember</p>



LESSON: PATROL OPERATIONS	INSTRUCTOR CUES:
<p>incidence of reported criminal activity.</p> <p>When a person establishes his or her residency or other lawful purpose for being in the building, make an <i>Activity Log</i> entry.</p> <ol style="list-style-type: none"> <li>(4) <u>If a person who may be engaged in criminal activity, based on observed behavior or other credible information, refuses to explain or is unable to explain his or her presence in the building, the officer may instruct the person that he or she must leave the building or be subject to arrest for trespass.</u></li> <li>(5) <u>If at any time during an interaction an officer develops probable cause to believe a person is trespassing, the officer may arrest the person for criminal trespass without asking the person to leave the building. A person's refusal to explain his or her presence in a building, however, will not by itself raise reasonable suspicion or probable cause.</u></li> <li>(6) <u>The officer may arrest a person for trespass if the person, who may be engaged in criminal activity, based on observed behavior or other credible information, does not promptly establish a right to be in the building <b>and</b> refuses to exit the building.</u></li> <li>(7) <u>An officer may not immediately arrest a person solely for failure to answer the officer's questions. The officer must permit the person to promptly establish a right to be in the building, for example, by providing credible information leading the officer to believe the person has business in the building.</u></li> </ol> <p>m) If reasonable suspicion develops that a person has committed, is committing, or is about to commit a felony or a Penal Law misdemeanor, take appropriate police action (P.G. 212-11, "Stop and Frisk.")</p> <ol style="list-style-type: none"> <li>(1) <u>A UMOS may <b>NOT</b> stop (temporarily detain) a suspected trespasser unless the officer reasonably suspects that the person is in the building without valid justification.</u></li> </ol>	<p>Reasonable Suspicion and Probable Cause are fact specific. The key is to be able to articulate the factors.</p>                      <p>You must complete a Stop, Question and Frisk Report</p>

LESSON: PATROL OPERATIONS	INSTRUCTOR CUES:
<p>(2) <u>A Stop, Question, and Frisk Report Worksheet shall be prepared every time a person has been stopped or, in other words, whenever a reasonable person would not have felt able to terminate the encounter and walk away.</u></p> <p>(3) <u>The following are factors which may contribute to reasonable suspicion:</u></p> <p>(a) <u>Contradictory assertions made to justify presence in the building (e.g., person expresses that they live in the building and then recants by stating they are just visiting a resident).</u></p> <p>(b) <u>Assertions lacking credibility made to justify presence in the building (e.g., person claims they live in apartment 9B on the 9<sup>th</sup> floor when the actual building is only 7 stories tall).</u></p> <p>(4) If you have reasonable suspicion that the person is trespassing, you may stop that person and take reasonable measures to conduct further investigation, such as:</p> <p>(a) Inspecting and returning identification;</p> <p>(b) Requesting a key to the building entrance doors or apartment door;</p> <p>(c) Communicating with a building resident whom the person claims to be visiting through the intercom system or in person;</p> <p>(d) Allowing the person stopped to call a resident to appear and verify their authority to be in the building; and/or</p> <p>(e) Consulting with a Housing Authority employee who is familiar with residents.</p> <p>(5) Be mindful that people can 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 alarm or</p>	<p>Worksheet every time you have stopped a person, even if the stop did not lead to an arrest.</p> <p>Be mindful that people can make honest mistakes and may reasonably not know certain information, such as the resident's last name or the resident's specific apartment number.</p> <p>You must complete a UF-250 for any stop and articulate the basis of your reasonable suspicion. You must also make an Activity Log entry.</p> <p>Must articulate investigative steps</p>

LESSON: PATROL OPERATIONS	INSTRUCTOR CUES:
<p>intimidation by first using the intercom system to contact the resident or permitting the stopped person to call the resident by phone.</p> <p>n) <u>If probable cause develops that a person has committed or is committing an offense or crime, take appropriate action pursuant to P.G. 208-01, "Law of Arrest."</u></p> <p>An officer may arrest a person for criminal trespass when, after reasonable investigation, he or she has probable cause to believe that a person is not a resident of the building nor an invited guest of a resident, nor otherwise authorized to be in the building.</p> <p>Upon making an arrest for criminal trespass, prepare Complaint Report and Trespass Crimes – Fact Sheet. If the arrest arose out of a stop, prepare a Stop, Question and Frisk Report Worksheet. Also make an Activity Log entry.</p> <p>Even if an officer has 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.</p> <p><b>NOTE:</b> An officer always has the discretion not to arrest this person, but instead instruct the person to leave, given the appropriate circumstances.</p> <p>o) <u>If a person is found to be violating a Housing Authority rule or regulation, take appropriate police action pursuant to P.G. 207-29, "Field Reports," unless criminal enforcement is appropriate.</u></p> <p>Whenever an officer instructs a person to leave the building, and they comply, a <i>Field Report</i> should be prepared and an <i>Activity Log</i> entry should be made.</p> <p>p) Notify Communication Section upon exiting the building and make <i>Activity Log</i> entries indicating time building inspection was completed and any conditions noted. Prepare <i>Field Report</i>, <u><i>Stop Question &amp; Frisk Report Worksheet</i></u> or <i>Complaint Report</i>, or <i>Trespass Crimes – Fact Sheet</i> if necessary.</p>	<p>Members assigned to</p>

LESSON: PATROL OPERATIONS	INSTRUCTOR CUES:
<p>q) Alternate between outside area patrol and interior patrol of Housing Authority grounds and buildings, unless otherwise directed.</p> <p>r) Inspect each building on assigned post.</p> <p>s) The platoon commander/patrol supervisor/assigned supervisor shall:</p> <p style="padding-left: 40px;">(1) Assign at least two (2) officers to conduct directed interior patrols. During the course of conducting directed interior patrols, officers shall be instructed that, absent exigent circumstances, two (2) or more officers must remain together.</p> <p>t) <u>Ensure all interior patrols are performed in a satisfactory manner with specific attention to:</u></p> <p style="padding-left: 40px;">(1) <u>Effectiveness of patrols, including proper tactics;</u></p> <p style="padding-left: 40px;">(2) <u>Compliance with all state and federal laws regarding encounters with civilians;</u></p> <p style="padding-left: 40px;">(3) <u>Radio transmissions;</u></p> <p style="padding-left: 40px;">(4) <u>Proper documentation (e.g., Activity Log entries; Field Reports; Stop Question and Frisk Report Worksheets).</u></p> <p>D. Identify situations when an officer (a) may legally approach or stop someone on NYCHA property, and (b) when an officer should prepare a "Field Report."</p> <p>1. The following are sample scenarios describing the types of action an officer should take when on NYCHA property. See Appendix "A" for a review of Levels of Suspicion.</p> <p><b><u>THE APPROACH</u></b></p> <p>a) During an interior patrol, an officer notices someone standing near the elevators. The officer has been assigned to this development fairly regularly over the past several months and has gotten to know many of the residents of the building. The officer has never seen this person before. When requested, the person voluntarily shows valid identification establishing a right</p>	<p>RMP duties will comply with this procedure when not on an assignment.</p> <p>Stress that a recent QAD audit found deficiencies in <i>Activity Log</i> entries in connection with <i>Stop, Question &amp; Frisk Report Worksheet</i> preparation. <i>Activity Log</i> entries should be complete and are required.</p> <p><u>Level 1:</u> Request for Information</p>

The officer had an objective credible reason to approach the person at the **Request for Information** level because the officer was familiar with the residents. If the officer was not familiar with the residents, there would be no objective credible reason to approach the person.

Level 1:  
Request for  
Information

Given the circumstances, the officer had only an objective, credible reason to make a Request for Information, which means questions must be asked in a non-accusatory manner. While the officer was allowed to request identification, she was not permitted to *demand* identification at this level of inquiry. Additionally, a reasonable person would not have felt free to leave when the officer held onto the identification during the continued questioning, requiring at least reasonable suspicion of criminal activity.

b) While conducting an interior patrol in a NYCHA building an officer notices someone sitting with no reasonable purpose in a staircase that is known to be a popular area for illegal drug use in the building. The officer approaches the person and asks if he is either a resident or visiting someone in the building. The person tells the officer to “take a hike.” The officer tells the person he must either establish his reason for being in the building or leave the location. He complies by leaving the location. A *Field Report* was prepared, an *Activity Log* entry was made and no further action was needed (i.e., *No Stop, Question and Frisk Report Worksheet*, etc.).

Level 1:  
Request for  
Information

**CITY OF NEW YORK POLICE DEPARTMENT**

c) While on interior patrol an officer observes a person standing for more than ten minutes in the lobby of a building where robberies have occurred in the lobby and other common areas of the building in the recent past. The officer approaches the person and, in a non-accusatory manner, asks if he lives in the building. The person says, "No, I was visiting my friend John in apartment 3B." The officer explains that residents are concerned about unauthorized people being in the building and asks the person if he would come with him to 3B. The person says he is waiting for a cab and he would rather not leave the lobby. Although the officer is unable to determine if the person is authorized to be in the building and may therefore instruct the person that he must leave the building and that a refusal to comply may result in an arrest for trespass, the officer elects to wait with the man. Shortly thereafter a cab comes and the man leaves the building. An *Activity Log* entry was made and no further action was needed.

The officer initially had an objective credible reason to approach the person at the **Request for Information** level.

d) Upon entry into a NYCHA building to conduct an interior patrol, an officer becomes aware that the front door lock is broken and she stops in the lobby for several minutes to prepare a Field Report. While in the lobby, the officer observes through the lobby windows that a person, a male, has approached the front door of the NYCHA building, but has not attempted to enter the building. As the officer prepares the Field Report, she continues to observe the man standing outside near the front door of the building with no apparent purpose. After the officer has completed the Field Report, she observes a second

Level 1:  
Request for  
Information



LESSON: PATROL OPERATIONS	INSTRUCTOR CUES:
<p>person, also male, approach the building with a key in hand. As the male begins to insert his key into the front door, he realizes that no key is required because the lock is broken, so he removes his key and enters the lobby. The officer then observes the other male, who had been observed for more than 5 minutes waiting outside near the front door with no apparent purpose, run towards the front door and enter the lobby without attempting to use a key.</p> <p>The officer approaches the male – who had been waiting outside for some time before running into the building – and explains the concern of unauthorized persons entering the building due to the broken front door lock, and asks in a non-accusatory manner whether he is a resident of the building. The person says he lives in Apartment 6C. The officer politely asks the person if he has identification or a key to the front door and reiterates the concern of unauthorized persons in the building given the broken lock. He says that he left both in his apartment. The officer then asks the man if he would mind coming with her up to 6C. The man complies, and the officer accompanies him to his apartment where the man's wife confirms he is a resident of the building. An <i>Activity Log</i> entry was made, and no further action was needed.</p> <p><u>Why is this action appropriate?</u> The officer had an objective credible reason to approach the person at the <b>Request for Information</b> level.</p> <p><b>Same facts as above</b>, except when the officer asked the man if he would mind coming with her up to 6C, the man refuses. The officer advises the man he must establish a right to be in the building or leave the location. The man refuses to exit the building and informs the officer, "I'm not leaving the building." The officer arrests the person for criminal trespass. A Stop Question and Frisk Report Worksheet was completed following this stop, in addition to all required arrest paperwork. An Activity Log entry was made, detailing the encounter.</p> <p><u>Why is this action appropriate?</u> The officer had <b>Probable Cause</b> to arrest the man for criminal trespass because the person refused to exit the building and did not promptly establish a right to be in the</p>	<p><u>Level 1:</u> Request for Information &amp; <u>Level 4:</u> Probable Cause</p>

[illegible]

LESSON: PATROL OPERATIONS	INSTRUCTOR CUES:
<p>building is safe and explains the concern of unauthorized persons in the building. The officer then asks whether the woman has identification or a key to the front door. The woman produces her identification which shows her as a resident of the building. The officer thanks the woman, removes the brick from the door, and reminds her that propping the door open could leave the building vulnerable to trespassers. An <i>Activity Log</i> entry was made, and no further action was needed.</p> <p><u>Why is this action appropriate?</u></p> <p>The officer had an objective credible reason to approach the second woman at a <b>Request for Information</b> level. The woman entered the building without using her key and then was observed propping the door open with a brick. Further, the officer correctly did not approach the first woman due to the lack of an objective credible reason to approach, as that individual was observed using her key to enter the building and did not prop the door open with a brick.</p> <p>f) Upon entry into a NYCHA building to conduct an interior patrol, an officer becomes aware that the front door lock is broken and she stops in the lobby for several minutes to prepare a Field Report. While in the lobby, the officer observes through the lobby windows a man sitting on a bench near the front door with no apparent purpose. The officer then sees an elderly woman approaching the building carrying several shopping bags filled with groceries. The man the officer previously observed sitting on the bench stands up as the elderly woman walks past him and catches the door behind her, following her into the building.</p> <p>The officer approaches the man, explains the concern of unauthorized persons entering the building, and asks in a non-accusatory manner whether he is a resident of the building. The man says he lives in Apartment 5D. The officer politely asks the person if he has identification or a key to the front door and reiterates the concern of unauthorized persons in the building given the broken lock. The man says that he left both in his apartment. The officer then asks the man if he would mind coming up with him to 5D. The man complies, and the officer accompanies him to his apartment where the man retrieves his identification showing that he resides in the building. An <i>Activity Log</i> entry was made, and no further action was needed.</p>	<p><u>Level 1:</u> Request for Information</p>

LESSON: PATROL OPERATIONS	INSTRUCTOR CUES:
<p><u>Why is this action appropriate?</u> The officer had an objective credible reason to approach the man at a <b>Request for Information</b> level. The man only attempted to enter the building after catching the door when it had been opened by an elderly woman who was clearly a resident of the building.</p> <p><b><u>Level 1 STOPS – which upon investigation lead to reasonable suspicion or probable cause</u></b></p> <p>g) While conducting an interior patrol, two officers observe a group of 9-10 persons congregating in the lobby of a building. As the officers approach, one person abruptly leaves the group and begins walking in the opposite direction. The officers approach the person and ask her whether she lives in the building. She responds that she lives there. The officer asks her what apartment she lives in. She changes her answer and says she was visiting her friend Barbara in apartment 7B. One officer detains her while the other officer investigates and learns that no one named Barbara lives in 7B. The residents of 7B state they did not have a visitor. The person is arrested for criminal trespass. A <i>Stop Question and Frisk Report Worksheet</i> was completed following this stop in addition all required arrest paperwork. An <i>Activity Log</i> entry was made noting the presence of “No Trespassing” signs in the lobby and functioning door locks.</p> <p><u>Why is this action appropriate?</u> The officers initially had an objective credible reason to approach the person at the <b>Request for Information</b> level. When she abruptly changed her story the officer developed <b>Reasonable Suspicion</b> to temporarily detain her to conduct an investigation. When subsequent investigation revealed that the person’s story was false, the officer had <b>Probable Cause</b> to arrest for trespass.</p> <p><b>NOTE:</b> Inability to immediately verify a person’s explanation does not necessarily mean that the person is trespassing. 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 when conducting investigations and prior to making a decision to</p>	<p><u>Level 1:</u> Request for Information &amp; <u>Level 3:</u> Reasonable Suspicion &amp; <u>Level 4:</u> Probable Cause</p>

LESSON: PATROL OPERATIONS	INSTRUCTOR CUES:
<p>arrest.</p> <p><b><u>Same facts as above</u></b>, except Barbara does reside in apartment 7B and recently had a visitor, but does not recognize the name you provided of the person being detained. The officer asks Barbara the name of her visitor and she admits not knowing her full name, but rather just her nickname. The officer returns to the person and asks if she has a nickname. The nickname provided is the same nickname provided by Barbara. The officer instructs the person to leave since she is no longer visiting Barbara, and she complies. A <i>Stop, Question and Frisk Report Worksheet</i> was completed following this stop, as well as an <i>Activity Log</i> entry, and no further action was needed.</p> <p><b><u>Situations where reasonable suspicion of criminal activity is present – leading to probable cause</u></b></p> <p>h) While conducting an interior patrol at 23:30 an officer observes two persons he does not recognize talking in the lobby of a building for an unreasonably long period of time. The officer is aware that the building lobby has recently been afflicted by trespassing and drug activity. The officer approaches the persons and asks one of the persons if he lives in the building. The person says he does not. The officer then asks the person if he is visiting, or has just recently visited, a resident of the building. He says he is not. The officer then asks what he is doing in the building and he replies, "Hanging out." The suspect is arrested for criminal trespass. A <i>Stop, Question and Frisk Report Worksheet</i> was prepared for this stop in addition to all required arrest paperwork. An <i>Activity Log</i> entry was made noting the presence of "No Trespassing" signs in the lobby and functioning door locks.</p> <p><b><u>Why is this action appropriate?</u></b> The officer initially had an objective credible reason to approach the person at the <b>Request for Information</b> level. When the suspect admitted that he had no legitimate reason to be in the building, the officer had <b>Probable Cause</b> to arrest for trespass.</p> <p><b><u>NOTE:</u></b> An officer always has the discretion not to arrest this person, but instead instruct that person to leave, given the appropriate circumstances</p>	<p><b><u>Level 1:</u></b> Request for Information &amp; <b><u>Level 3:</u></b> Reasonable Suspicion</p> <p><b><u>Level 1:</u></b> Request for Information &amp; <b><u>Level 4:</u></b> Probable Cause</p>

LESSON: PATROL OPERATIONS	INSTRUCTOR CUES:
<p><b><u>Situations where probable cause for an arrest is present</u></b></p> <p>i) An officer on an interior patrol observes a person on the roof landing in violation of conspicuously posted signs forbidding access to the roof landing, including for residents. The sign additionally explains what the roof landing is. The officer asks the person if he is a resident. The person says he is not. The officer then asks why he is on the roof landing and the person is unable to give any valid justification for his presence. The officer arrests the person for trespass and makes an <i>Activity Log</i> entry noting the presence of the sign. A <i>Stop, Question and Frisk Report Worksheet</i> was prepared for this stop in addition to all required arrest paperwork.</p> <p><u>Why is this action appropriate?</u> There was <b>Probable Cause</b> to believe the person was trespassing.</p> <p><b>NOTE:</b> It is important that the content of the sign gives sufficient notice that being on the roof landing is prohibited, including a clear explanation as to what the roof landing is. In some circumstances, a non-English speaker may not be able to read a sign that is not written in his or her native language. If there is uncertainty as to the sufficiency of the sign, give the person an opportunity to leave before making an arrest for trespass.</p> <p><b><u>Same facts as above</u></b>, but the person observed on the roof landing identifies as a resident, who states that she did not know that it was illegal to be on the roof landing. The officer asks the person if she has identification or a key to the building, and she shows him an identification stating that she resides in apartment 7C. The officer has never encountered this person before, and has no reason to believe she is lying about not knowing that her presence on the roof landing is prohibited. Although there may be probable cause for a trespass arrest, the officer should exercise the discretion to instruct the resident to leave the roof landing rather than make an arrest.</p> <p><b><u>Situations where reasonable suspicion of criminal activity is present – leading to probable cause</u></b></p>	<p><u>Level 3:</u> Reasonable Suspicion &amp; <u>Level 4:</u> Probable Cause</p> <p><u>Level 3:</u> Reasonable Suspicion &amp; <u>Level 4:</u> Probable Cause</p>



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LESSON: PATROL OPERATIONS	INSTRUCTOR CUES:
<p><u>Why is this action appropriate?</u> Seeing an individual force their way into a lobby through a locked entrance door provides Reasonable Suspicion of Criminal Trespass. This permits a forcible stop and in this case the officers would be able to articulate a clear reason to frisk. An arrest based on Probable Cause is effected.</p> <p>E. Explain the consequences of failing to adhere to the law in regard to stopping persons on NYCHA property.</p> <ol style="list-style-type: none"> <li>1. Police officers in public housing developments must remember that the basic principles outlined in the prior Terminal Learning Objective provide examples of legally valid encounters, under varying levels of suspicion of criminal activity. Members conducting approaches, forcible stops, or arrests without the appropriate legal authority may face the possibility of the suppression of any evidence obtained during such stop and subject themselves to Departmental disciplinary consequences, including founded CCRB allegations of Abuse of Authority, prosecution by the Department Advocate's Office, and appropriate penalties.</li> <li>2. Unjustifiable interactions also contribute to community distrust of the police, and poor relations with the very community we are trying to serve and protect. A single negative interaction can make a lasting impression on a community member that will taint future interactions with police officers.</li> </ol> <p><b><u>Consider the examples below:</u></b></p> <ul style="list-style-type: none"> <li>➤ While patrolling a part of NYCHA property known for its drug activity at 23:30, an officer sees a person exit a NYCHA building. The officer approaches the person and asks if he is a resident of the building he just visited.</li> </ul> <p><u>What was <i>wrong</i> with the above scenario?</u> The person had already left a NYCHA building, and when the purpose of an approach is to verify a person's justification for being in a NYCHA building, officers should not approach a person if the person has already exited the building unless there are other indications of criminality, or an independent objective and credible reason for the approach.</p> <hr/>	

LESSON: PATROL OPERATIONS	INSTRUCTOR CUES:
<p>➤ While conducting an interior patrol of a NYCHA building, an officer notices someone enter the building using a key. The officer approaches the person and asks him if he is a resident.</p> <p><u>What was <i>wrong</i> with the above scenario?</u> The person had established their right to be in the building by using a key. Absent any other objective and credible reason, the officer was not authorized to approach the person.</p> <hr/> <p>➤ While conducting an interior patrol in a NYCHA building, police officers observe a group of five teenage boys entering the building together. One of the teenagers uses a key to enter the building, and it is clear from their interactions that all of the teenagers are friends. The officers approach the teenagers and ask if they are residents of the building.</p> <p><u>What was <i>wrong</i> with the above scenario?</u> One of the teenagers had established a right to be in the building, and it was clear that the other teenagers were authorized guests (if not residents themselves). Absent any other objective and credible reason, the officer was not authorized to approach any of them.</p> <p>➤ A sector team observes two individuals exiting the elevators in the lobby of a NYCHA building. The officers note the smell of marihuana in the elevator. The officers approach the two individuals and ask them their reason for being in the building. The individuals mention that their aunt lives in the building. The police officers <b>forced</b> the two individuals to take them to their aunt's apartment, to verify that they belonged in the building before they let them leave.</p> <p><u>What was <i>wrong</i> with the above scenario?</u> The level had never risen to Reasonable Suspicion – therefore a forcible stop was not authorized.</p> <p><u>What would have made the scenario acceptable?</u> If the brothers <i>voluntarily</i> agreed to stop and <i>voluntarily</i> agreed to accompany the officers to the apartment to verify the legitimacy of their presence in the building.</p>	
<p>➤ An officer on an interior patrol observes a person standing</p>	

LESSON: PATROL OPERATIONS	INSTRUCTOR CUES:
<p>in the lobby for several minutes. Upon seeing the officer the person looks nervous and evasive. The officer approaches the person and asks if he is a resident of the building. The person replies, "I'm just passing through." The officer then arrests the person for criminal trespass.</p> <p><u>What was <i>wrong</i> with the above scenario?</u> According to the N.Y. Appellate Division in <u>People v. Sanders</u> (1991), the person's comments did not establish Probable Cause, and, therefore, an arrest was not authorized. An officer can only arrest when the officer has Probable Cause to believe that the person is neither a resident, nor visiting someone in the building, nor otherwise authorized to be in the building.</p> <p><u>What would have made the scenario acceptable?</u> The officer should have asked the person if he was visiting someone in the building or otherwise authorized to be in the building. If the person said he was not visiting someone in the building or otherwise authorized to be in the building there would have been Probable Cause to arrest.</p> <p><b>Same facts as above</b>, but the person says that he is visiting a resident in the building. The officer accompanies the person to the apartment, but no one is home. The officer then arrests the person for criminal trespass</p> <p><u>What was <i>wrong</i> with the above scenario?</u> The fact that a resident is not home does not necessarily mean that the person was not authorized to be in the building. An authorized visitor should not be arrested for trespassing simply because the resident happens not to be at home when the person is trying to visit.</p> <p><u>What would have made the scenario acceptable?</u> Since the person's stated purpose for being in the building was to visit a resident, and that resident was not home, the officer should have asked the person to leave the building. If, after giving the person the opportunity to leave the building, the person still refused to leave, the officer may have arrested the person for criminal trespass</p> <p>F. Explain the procedures to take when confronted with a disabled elevator.</p> <p>Unoccupied Disabled Elevator</p> <p>1. If, during interior patrol, you come across an</p>	

LESSON: PATROL OPERATIONS	INSTRUCTOR CUES:
<p><b>UNOCCUPIED</b> disabled elevator, your obligation would be to notify Housing Authority Emergency Service Department maintenance personnel by calling (718) 707-5900. You must also inspect elevator doors on each floor and notify Housing Authority Emergency Service Department maintenance personnel or NYPD Emergency Service Unit immediately and remain at scene and secure location until unsafe condition has been corrected if:</p> <ul style="list-style-type: none"> <li>a) The elevator door glass is missing, or if the outer elevator door opens when elevator is not present;</li> <li>b) There are any other dangerous conditions concerning elevators.</li> </ul> <p>Occupied Disabled Elevator</p> <p>1. If, during interior patrol, you come across an <b>OCCUPIED</b> disabled elevator, your obligation would be to notify the radio dispatcher and request the response of Housing Authority Emergency Service Department maintenance personnel. Also notify the NYPD Emergency Service Unit and ambulance, if the situation requires the immediate removal of passengers in cases involving, but not limited to a cardiac condition, or a seriously ill passenger, etc.</p> <p>Note: If a delay in the response of Housing Authority Emergency Service personnel is expected, a request for N.Y.P.D. Emergency Service Unit personnel will be made even in situations deemed to be of a non-emergency nature.</p> <p>Note: Members of the service shall NOT attempt to remove passengers from a disabled elevator car without the assistance of Housing Authority and/or N.Y.P.D. Emergency Service Unit personnel who are trained in the removal of passengers from disabled elevators.</p> <p>2. The officer must prepare a Field Report and Aided Report Worksheet, if necessary, upon completion of assignment. Include names and addresses of passengers and names and shield numbers of responding Emergency Service personnel.</p> <p>G. Identify the circumstance when a Field Report will be prepared.</p>	<p>P.G. 212-28, Disable Housing Authority Elevator Car with Passengers</p>

LESSON: PATROL OPERATIONS	INSTRUCTOR CUES:
<p>1. Used to record corrective action taken on non – criminal conditions which occur on the property of NYCHA. Such conditions include:</p> <ul style="list-style-type: none"> <li>a) Disabled elevators</li> <li>b) Noise complaints</li> <li>c) Breach of housing authority rules and regulations</li> <li>d) Follow – up dispositions</li> <li>e) Damage, accidental</li> <li>f) Damage, non – criminal</li> <li>g) Damage, cause unknown</li> <li>h) Abandoned and derelict vehicles</li> <li>i) Resident disputes</li> <li>j) Fire, non – suspicious</li> <li>k) Other conditions as specified by appropriate patrol guide procedures</li> </ul> <p>Note: A Complaint Report Worksheet is prepared for <b>CRIMES</b> occurring on NYCHA property.</p> <p>H. Explain the NYCHA Trespass Notice Program</p> <p>1. Under this program, any individual who is arrested for felony sale of controlled substance or marihuana on a Queens, Manhattan and Brooklyn NYCHA development is permanently excluded from entering all NYCHA property.</p> <p>2. NYCHA “On-Development” (defined)</p> <ul style="list-style-type: none"> <li>a) All NYCHA buildings, apartments, offices, maintenance areas, etc.</li> <li>b) All walkways, streets, grounds, and parking areas located within NYCHA Developments.</li> <li>c) All stores, laundries, community centers, childcare centers, senior centers, health stations, etc. within NYCHA Developments.</li> <li>d) From the center line of the street inward towards NYCHA buildings.</li> <li>e) All NYC parks and all NYC school playgrounds within or immediately adjacent to NYCHA grounds.</li> <li>f) Piers or bulkheads immediately adjacent to NYCHA Grounds.</li> </ul> <p>3. When effecting the arrest of an individual “On-</p>	

LESSON: PATROL OPERATIONS	INSTRUCTOR CUES:
<p>Development” for felony sale of controlled substance or marihuana, in addition to normal arrest procedures:</p> <ul style="list-style-type: none"> <li>a) Prepare a NYCHA Trespass Notice <ul style="list-style-type: none"> <li>(1) Enter the Notice log number, obtained by calling the Housing Bureau wheel</li> </ul> </li> <li>b) Have the defendant sign and date the notice <ul style="list-style-type: none"> <li>(2) If defendant refuses, so state on signature line and initial and date</li> </ul> </li> <li>c) Make four copies of the Notice <ul style="list-style-type: none"> <li>(1) Personally serve the defendant with one <b>copy</b> of the notice</li> <li>(2) The remaining three copies are for the Desk Officer</li> </ul> </li> <li>d) Fax a copy of the notice to the Housing Bureau Wheel and call to confirm receipt</li> <li>e) Prepare a “Trespass Notice Package” containing: <ul style="list-style-type: none"> <li>(1) Original signed Trespass Notice</li> <li>(2) Computer copy of OLBS and Complaint Report</li> <li>(3) Copy of PCI and Request for Laboratory Analysis (if prepared)</li> <li>(4) Copy of Search Warrant when applicable</li> </ul> </li> <li>f) Deliver the package and 3 copies of Notice to the Desk Officer</li> </ul> <p><b>Note:</b> If the defendant claims that he or she is a NYCHA resident, confirm that the address given by the defendant is a NYCHA location by contacting any PSA or Housing Bureau Wheel. A NYCHA resident will still be served with the Notice and will not be allowed in any NYCHA area other than their resident building and common areas of that development.</p> <p><b>Note:</b> Common areas include most areas within the resident’s development. It does not include apartments other than their own or areas where residents are not normally allowed (e.g., rooftops).</p> <p><b>IV. SUPPLEMENTARY PROCEDURES FOR PATROL OPERATIONS</b></p>	<p>Learning Objective #4</p> <p>P.G. 212-59, Interior</p>

LESSON: PATROL OPERATIONS	INSTRUCTOR CUES:
<p>A. Interior Patrol</p> <ol style="list-style-type: none"> <li>1. Patrolling multiple dwelling private buildings for criminal activity including trespassing under the Trespass Affidavit Program is a valuable problem solving tool, as well as an important component of the Department's crime control strategy. Authorization for interior patrol, the tactically planned patrol of the interior hallways, stairways, lobbies, basements, rooftops and other common areas of multiple dwelling buildings that are <u>not</u> owned by the New York City Housing Authority is obtained through the Department's Trespass Affidavit Program.</li> <li>2. To conduct interior patrol in a residential multiple dwelling private building in the Department's Trespass Affidavit Program, uniformed members of the service will: <ol style="list-style-type: none"> <li>a) Respond in teams of two to location at designated time and coordinate activities with other assigned uniformed members.</li> <li>b) Notify Communication Section dispatcher utilizing radio code 10-75I and make Activity Log entry of the time and street address upon entering the building.</li> <li>c) Inspect front, rear and other exterior door and interior of lobby.</li> <li>d) Document in Activity Log that signs stating "NO TRESPASSING, TENANTS AND THEIR GUEST ONLY" are prominently displayed and legible. <ol style="list-style-type: none"> <li>(1) Signs should be prominently displayed in areas where persons entering the building can readily observe them (e.g., vestibule entrance, vestibule, above the elevator, courtyard, roof, etc.)</li> </ol> </li> <li>e) Proceed to top floor of building by elevator, if operable and conduct inspection of roof, roof landing, elevator rooms and any other installations.</li> <li>f) Patrol each floor, staircase and hallway</li> </ol> </li> </ol>	<p>Patrol</p> <p>This procedure applies to privately owned buildings, NOT NYCHA.</p>



LESSON: PATROL OPERATIONS	INSTRUCTOR CUES:
<p>within the building from the top floor to the ground floor.</p> <p>g) Inspect all accessible basement areas.</p> <p>h) Be alert for persons who may be engaged in criminal activity including potential trespassers and upon encountering such persons:</p> <p>(1) Approach the person(s) and ask:</p> <ul style="list-style-type: none"> <li>(a) If he or she lives in the building</li> <li>(b) If he or she is visiting someone in the building</li> <li>(c) If he or she has business in the building</li> </ul> <p><b>Note:</b> A uniformed member of the service may approach and question persons if they have an <i>objective credible reason</i> (Level 1 - Request for Information) to do so. However, a uniformed member may not stop (temporarily detain) a suspected trespasser unless the uniformed member reasonably suspects (Level 3 – Reasonable Suspicion) that the person is in the building without authorization.</p> <p>(2) Take reasonable measures to verify a person's authority to be present in the building when such authority is in question (e.g., asking for identification, keys to the building entrance doors, etc.)</p> <p>(3) When a person refuses to explain or is unable to explain his/her presence in the building the uniformed member may instruct the person that he or she must leave the building or be subject to arrest for trespass. The uniformed member may then arrest the person for trespass if:</p> <ul style="list-style-type: none"> <li>(a) The person refuses to exit the building and does not promptly establish a right to be in the building.</li> </ul> <p>(4) When reasonable suspicion develops that a person has committed, is committing or is about</p>	

LESSON: PATROL OPERATIONS	INSTRUCTOR CUES:
<p>to commit a felony or a Penal Law misdemeanor, conduct a stop question and possibly frisk.</p> <p>(5) If probable cause develops that a person has committed or is committing an offense, effect an arrest.</p> <p>(6) When a trespass arrest is made, prepare "Trespass Crimes - Fact Sheet (PD351-144)".</p> <p>(7) Copies of the "Trespass Crimes – Fact Sheet (PD351-144)" and "Trespass Crimes – Owner's Affidavit (PD651-051)" or New York County District Attorney's supporting affidavit, as appropriate for the building must be included in arrest package.</p> <p>i) Notify Communications Section Dispatcher upon exiting building and make Activity Log entry indicating time building inspection was completed and any conditions noted.</p> <p>3. The "Trespass Crimes – Owner's Affidavit (PD651-051)", will be utilized for Department Trespass Affidavit Program buildings in the Bronx, Brooklyn, Staten Island and Queens. The New York Count District Attorney's Office manages a Trespass Affidavit Program in Manhattan and utilizes its own supporting affidavits. The "Trespass Crimes – Fact Sheet (PD351-144)", will be prepared in every instance, including Manhattan where a uniformed member of the service effects a trespass arrest in a building participating in a Trespass Affidavit Program.</p> <p>B. Fire scenes</p> <p>1. Primary duty is to protect life and property.</p> <p>2. Upon arrival at the scene insure that an alarm has been sent, if not send one.</p>	<p>P.G. 212-58, Fire Scenes</p>

<b>LESSON: PATROL OPERATIONS</b>	<b>INSTRUCTOR CUES:</b>
<ol style="list-style-type: none"> <li>3. Make sure the RMP is not parked in a way to impede FDNY response.</li> <li>4. If you begin to assist in the evacuation of the building leave a responsible person outside to direct responding personnel</li> <li>5. When establishing police lines at a fire scene only the following persons or vehicles will be permitted to enter: <ol style="list-style-type: none"> <li>a) Police and Fire Dept. vehicles</li> <li>b) Ambulances</li> <li>c) City agency vehicles for duty in connection with the fire</li> <li>d) Public service corporation vehicles for duty in connection with the fire</li> <li>e) Persons holding valid working press cards or fire line cards</li> <li>f) Employees of public service corporations in performance of emergency duties</li> <li>g) Members of governmental agencies in performance of duty</li> <li>h) The Mayor</li> <li>i) The Mayor's car</li> <li>j) U.S. mail vehicles</li> <li>k) Prison vans transporting prisoners</li> </ol> </li> </ol> <p>C. Response to Fires by Uniformed Members of the Service</p> <ol style="list-style-type: none"> <li>1. Uniformed members of the service assigned to a fire will notify the radio dispatcher when they arrive on scene. In addition, they will inform the dispatcher of any pertinent details regarding the fire.</li> <li>2. The radio dispatcher will immediately, whether requested or not, call the originating caller and ascertain an update on the fire condition.</li> <li>3. The radio dispatcher will communicate immediately to UMOS on the scene any new information, including the number of individual calls received for that particular assignment and will also notify the patrol supervisor and any other responding supervisor of all available information.</li> <li>4. The on-scene UMOS will communicate, prior to</li> </ol>	

LESSON: PATROL OPERATIONS	INSTRUCTOR CUES:
<p>entering the building, all observations made in connection with the fire to the radio dispatcher for transmittal to the responding supervisor and other UMOs.</p> <p>5. The radio dispatcher will notify the patrol supervisor for all building fire assignments whether received through 911 or as a pick-up assignment and the supervisor assigned must respond to all fires.</p> <p>Building Entry/Elevator Use:</p> <p>6. Upon entering the building, note the distance of the stairwell to the elevator and note the locations of all exits in the event of an evacuation or tactical retreat becomes necessary.</p> <p>7. If multiple UMOs are entering the building at the same time, UMOs should utilize separate stairwells/elevators.</p> <p>8. Whenever possible UMOs will utilize stairs and walk up to the floor reported to be affected by fire.</p> <p>9. Prior to deciding to use the elevator to ascend to the fire, UMOs will inspect the elevator shaft for signs of smoke by directing their flashlights through any visible space between the elevator and the open shaft.</p> <p>10. If smoke is detected in the elevator shaft <b>DO NOT</b> use the elevator as a method of ascent.</p> <p>11. UMOs should stop the elevator on every 5<sup>th</sup> floor on the way up to the reported fire to repeat the visual inspection of the shaft.</p> <p>12. If there is no smoke detected in the elevator shaft, the UMOs may elect to use the elevator, but must exit the elevator at least 2 floors below the affected floor and proceed cautiously via the stairs to the affected floor.</p> <p>13. UMOs should transmit the chosen method of ascent, either stairs or elevator, to the communications dispatcher prior to advancing to the affected floor.</p> <p>NOTE: UMOs must be aware that fires can spread rapidly and</p>	

<b>LESSON: PATROL OPERATIONS</b>	<b>INSTRUCTOR CUES:</b>
<p>expand to other floors. In addition, smoke in these fires may contain poisons and carcinogens. UMOS should proceed cautiously at all times; maintain communication with the radio dispatcher to relay their locations and to ascertain the estimated time of arrival of the Fire Department.</p> <p>14. Upon arrival to the floor of the reported fire, UMOS must first conduct a visual inspection of the hallway through the window of the stairwell door, if possible. Next, touch the stairwell door to detect the presence of heat in the hallway.</p> <p>15. If heat is detected, adjust tactics accordingly prior to entering the hallway, including but not limited to retreating to a floor below the reported fire.</p> <p>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 an extremely dangerous condition. Therefore, whether or not UMOS decide to enter the hallway, ensure that the door between the stairwell and the hallway remains closed to reduce the risk of the chimney effect which can draw fire to the stairwell and cause the fire to spread.</p> <p>16. If UMOS suddenly encounter smoke and heat, drop to your knees, move closer to the wall and retreat to a predetermined exit.</p> <p>D. Natural Gas Hazards</p> <ol style="list-style-type: none"> <li>1. It is important that a UMOS know how to recognize a gas leak and what to do if you encounter a suspected gas leak while responding to a call for service. Signs of a gas leak includes: <ol style="list-style-type: none"> <li>a) Smell – A distinctive strong odor similar to rotten eggs.</li> <li>b) See – White cloud, mist, fog, bubbles in standing water, blowing dust or vegetation that appears to be dead or dying for no reason.</li> <li>c) Hear – Roaring, hissing, or whistling.</li> </ol> </li> <li>2. If you detect a gas leak: <ol style="list-style-type: none"> <li>a) If the odor is strong, evacuate immediately and take others with you. Establish a minimum safe distance in accordance with P.G. 212-37,</li> </ol> </li> </ol>	

LESSON: PATROL OPERATIONS	INSTRUCTOR CUES:
<p>Hazardous Materials.</p> <ul style="list-style-type: none"> <li>b) If the odor is faint, and is consistence with personal safety, open windows before leaving.</li> <li>c) If you are outside, establish a frozen zone and evacuate civilians from the source of the leak if known.</li> <li>d) Do not light a match or smoke, turn appliances or lights on or off (including flashlights) use the portable radio, cell phone, landline phone or start a car. Doing so can produce sparks that might cause the gas to explode.</li> <li>e) Notify FDNY to respond through communications.</li> </ul> <p>E. Vacate Orders</p> <ul style="list-style-type: none"> <li>1. An order generated after a representative of the department of buildings, housing department or fire department has deemed a premise hazardous.</li> <li>2. Can be a residential or non - residential building.</li> <li>3. Upon being assigned to assist in the execution of a vacate order of a <b>residential building</b> a member of the service will: <ul style="list-style-type: none"> <li>a) Verify the credentials and authority of the agency representative.</li> <li>b) Obtain facts concerning the reason for the vacate order being issued.</li> <li>c) Assist in the evacuation when there is an immediate danger that the building will collapse or any existing dangerous condition to human life.</li> <li>d) Notify operations if conditions call for an immediate evacuation.</li> <li>e) Request a patrol supervisor to respond when: <ul style="list-style-type: none"> <li>(1) Persons are actually being evacuated.</li> <li>(2) Premises are to be sealed.</li> <li>(3) For any other appropriate reason.</li> </ul> </li> <li>f) Remain with the agency representative until service or evacuation is complete, if requested.</li> <li>g) Check with agency representative to ensure that the vacated premise will be safeguarded.</li> <li>h) Make Activity Log entries</li> </ul> </li> </ul>	<p>P.G. 212-43, Vacate Orders</p>

LESSON: PATROL OPERATIONS	INSTRUCTOR CUES:
<p>i) Report facts to the desk officer upon completion of assignment.</p> <p>F. Animal Bites</p> <ol style="list-style-type: none"> <li>1. The NYC Health Code section 11.64 requires that all animal bites be reported in addition to animal diseases that are communicable to humans that are of public health concern is reported to Bureau of Communicable Diseases.</li> <li>2. Exposure to rabies is characterized as either a bite or non-bite exposure; each carries the highest risk of rabies infection.</li> <li>3. Bite: (higher risk) Any penetration of skin by animal's teeth. Bites to the face and hand carry the highest risk of rabies infection.</li> <li>4. Non-bite: (lower risk) Scratches or abrasions received from an animal, or the contamination of open cuts, mucous membranes, or wounds with an animal's saliva (or brain and other neural tissue.) Non-bite transmission of rabies is extremely rare.</li> <li>5. The Department form "Dangerous Animal Bite/ Report (PD311-152) will be prepared in every instance regardless of whether a person was injured by the animal or not. This rule will be followed even if the animal is gone upon arrival at the scene. The officer must include the I/CAD Event number on the form. Upon completion deliver Dangerous Animal/Bite Report and Aided Report Worksheet if applicable to desk officer.</li> </ol> <p>G. Confrontation Situations - Encountering Other Law Enforcement Officers</p> <ol style="list-style-type: none"> <li>1. While on patrol a member of the service may encounter a person from another law enforcement agency.</li> <li>2. This other person may be on – duty or off – duty, may be an active member or a retired member. The person may belong to a city, state, or federal agency.</li> <li>3. Remember the <b>On Duty / Uniform Officer</b> is in</li> </ol>	<p>P.G. 216-09, Animal Bites</p>          <p>P.G. 212-33, Confrontation Situations</p>



LESSON: PATROL OPERATIONS	INSTRUCTOR CUES:
<p>charge.</p> <p>4. Challenging Officer - For the purposes of this procedure the uniformed member of the service who comes upon the scene where an unidentified person states he/she is a police officer or whose actions may indicate he/she is taking police action.(i.e. on duty or off duty uniformed member of the service or an enforcement officer from an outside criminal justice agency)</p> <p>5. Confronted Officer -The uniformed member of the service (usually civilian clothed) either on or off duty, who may be armed and taking police action and whose identity and objectives are not immediately apparent to the challenging officer.</p> <p>Note: Members of the service are reminded to immediately take cover to the rear, not to the side of the person being challenged, if possible. A challenge from the rear allows more time for the challenging officer to evaluate the subject's reaction and also gives the challenging officer a tactical advantage. A challenge from the side reduces response time.</p> <p>6. Challenging Officer</p> <ul style="list-style-type: none"> <li>a) Immediately take cover to the rear, not to the side of the person being challenged, if possible Identify self (Police! Don't move!)</li> <li>b) Utilize any cover available (e.g., car, garbage can, lamppost, mailbox, etc.)</li> <li>c) Any object is a form of protection, even though its value might be only of a concealment nature.</li> <li>d) Identify yourself in a loud, clear voice, stating "<u>Police! Don't Move</u>";</li> <li>e) Avoid using slang terms such as "Freeze" or "Hold It."</li> <li>f) Avoid using directives which are contradictory and can cause confusion such as, "Don't move and raise your hands."</li> <li>g) Do not use stereotypes which are based on a person's race, color, ethnicity, hairstyle, clothing or physical appearance.</li> <li>h) Members of the service are reminded that the Department is multicultural and stereotypes</li> </ul>	<p><b>Show video "Preventing Friendly Fire, Prod# 09-035"</b></p>

LESSON: PATROL OPERATIONS	INSTRUCTOR CUES:
<p>based on the above <i>WILL NOT BE USED TO JUSTIFY YOUR ACTIONS</i>.</p> <ul style="list-style-type: none"> <li>i) Members of the service are reminded that racial and ethnic profiling is a violation of the Fourth Amendment to the United States Constitution, Article 1 Section 12 of the New York State Constitution, New York City Administrative Code Section 14-151 and other applicable laws.</li> <li>j) Request person to give exact location of identification and to produce identification slowly, in a <u>controlled manner</u>, if person states he or she is a police officer;</li> <li>k) Examine credentials to ensure validity and photo or description (if any) fits individual.</li> <li>l) Remain alert until you are <u>completely</u> satisfied as to person's identity.</li> <li>m) Return credentials, if satisfied with identification;</li> <li>n) Make Activity Log entry;</li> <li>o) Request the response of the patrol supervisor, precinct of occurrence and supervisory officer of on duty member of the service confronted.</li> </ul> <p>7. Confronted Officer</p> <ul style="list-style-type: none"> <li>a) Remain motionless even if it means a fleeing suspect may escape. <b>DO NOT</b> turn body especially if holding a firearm.</li> <li>b) Obey all directions from the officer making the challenge.</li> <li>c) Inform challenging officer exact location of identification before moving.</li> <li>d) If requested to do so, remove identification card from wallet, holder, etc. and hand it to the challenging officer.</li> <li>e) Civilian clothed uniformed members of the service should make it a practice to carry their shields in a pocket opposite their shooting hands.</li> <li>f) Members of the service performing duty in civilian clothes should ensure that they are aware of the "color of the day" and that it is displayed in a conspicuous manner.</li> <li>g) Department Policy – The identification card is the primary form of identification for uniformed members of the Department and must <u>always</u></li> </ul>	

LESSON: PATROL OPERATIONS	INSTRUCTOR CUES:
<p>be carried. However, uniformed members of the service do not have to carry their shields when unarmed.</p> <p>H. Tactical Considerations</p> <ol style="list-style-type: none"> <li>1. When challenged; <b>DO NOT</b> simultaneously reach for your identification and tell the challenging officer who you are. <b>DO NOT</b> turn and face the challenging officer with a firearm in hand. <b>DO NOT</b> move your hands in any manner that can be interpreted as a hostile or menacing movement. It is a natural reaction to turn when challenged from behind, you should resist this urge.</li> <li>2. The on duty and/or uniformed officer must ensure that they are aware of important information that may prove vital during a confrontation situation. One such piece of information is the <b>COLOR OF THE DAY</b>. All officers must be made aware of the color of the day upon turnout by the supervisor. The color of the day is transmitted via the FINEST terminal on a daily basis. Non-uniformed members of the service are required to wear the color of the day when performing enforcement duty so that it is visible to all patrol officers in the event of a confrontation with uniformed members of the service. The colors of the day may be: Green, White, Yellow, Red, or Orange rotated on a daily basis.</li> <li>3. Use extreme caution in judging the challenged officer's response to commands. Do not fall victim to the <b>"Symbolic Opponent Syndrome"</b> - Preconceived notion that places a suspect into a "criminal" category because of race, nationality, grooming, or mode of dress. Looks can be deceiving and should not form the basis for action to be taken. Do not reach any definite conclusions that may lead to irreversible police action, because of a suspect's appearance.</li> </ol> <p>I. Threats to Members of the Service</p> <ol style="list-style-type: none"> <li>1. When assigned to the station house as the telephone Switchboard operator, the command clerk, the cell attendant, or stationhouse</li> </ol>	<p><b>Stress that <i>Color of the Day</i> is not to be given over the radio.</b></p> <p>P.G. 212-31, Threats Against Members of the Service</p>

<b>LESSON: PATROL OPERATIONS</b>	<b>INSTRUCTOR CUES:</b>
<p>security you may receive a threat against a member of the service.</p> <p>2. Via telephone, record the following:</p> <ul style="list-style-type: none"> <li>a) The telephone number of the telephone on which the call is received</li> <li>b) The exact time of the call</li> <li>c) Name of the threatened officer</li> <li>d) Motive or reason for the threat</li> <li>e) Manner in which the threat will be carried out</li> <li>f) Identity of the caller</li> <li>g) Location from which the call is being made</li> <li>h) Inquire if the threat stems from a prior arrest made by the threatened officer.</li> </ul> <p>3. If threat is received in writing:</p> <ul style="list-style-type: none"> <li>a) Avoid unnecessary handling of the envelope or document</li> <li>b) Place document into a plastic security envelope</li> <li>c) Make note if document was received by U.S. mail or other means</li> <li>d) Identify the postal employee who delivered the document</li> <li>e) If delivered by a delivery service, interview private individual as to circumstances of how he / she receive the document.</li> </ul> <p>4. Threat received by fax:</p> <ul style="list-style-type: none"> <li>a) Record the time of receipt</li> <li>b) Record the telephone number of receiving fax machine</li> <li>c) Obtain a transmission report, if the fax machine is so equipped.</li> </ul> <p>5. Threat made in person:</p> <ul style="list-style-type: none"> <li>a) Ascertain all available information from the individual making the threat</li> <li>b) Identify of the member of the service being threatened</li> <li>c) Motivation of the threat</li> </ul>	

<b>LESSON: PATROL OPERATIONS</b>	<b>INSTRUCTOR CUES:</b>
<p>d) Pedigree of the person making the threat</p> <p><b>V. LIST THE REQUIRED ACTIVITY LOG ENTRIES AT THE BEGINNING AND END OF TOUR.</b></p> <p>A. The following entries must be included in the Activity Log:</p> <ol style="list-style-type: none"> <li>1. At the start of your tour <ol style="list-style-type: none"> <li>a) Day/Date/Tour</li> <li>b) Assignment</li> <li>c) Meal Period</li> <li>d) Name of Supervisor Conducting Roll Call</li> <li>e) Name of Operator / Recorder (If Applicable)</li> <li>f) Results of Vehicle Inspection (RMP Operator); Amount of Gas, Odometer Reading and Overall Condition of Vehicle</li> </ol> </li> <li>2. At the end of your tour <ol style="list-style-type: none"> <li>a) Time EOT</li> <li>b) Odometer Reading (If Applicable)</li> <li>c) Signature</li> <li>d) Shield Number</li> </ol> </li> </ol> <p style="text-align: center;"><b><u>CONCLUSION</u></b></p> <p>Whether an officer is in a precinct, Transit District, or a Housing Police Service Area (PSA), the basic premise is the same: to provide safety and security to citizens, riders and residents. For many citizens, security is knowing the cop on patrol. The objective is to establish ties and relations with the public. Police Officers should feel, and be perceived as, part of the community that they serve. The citizens' concerns should be their concerns. The Police officer's job is to protect life and property, and to actively pursue violators of the law. Police department cannot accomplish this task without the support of the citizens of this city; it is through daily vigilant patrol that police officer gain that support.</p> <p style="text-align: center;"><b>MANDATORY PATROL GUIDE READING</b></p> <ul style="list-style-type: none"> <li>• P.G. 202-21 Police Officer – Duties and Responsibilities</li> <li>• P.G. 202-22 Radio Motor Patrol Operator – Duties and Responsibilities</li> <li>• P.G. 202-23 Radio Motor Patrol Recorder – Duties and</li> </ul>	<p>Learning Objective #5</p>

<b>LESSON: PATROL OPERATIONS</b>	<b>INSTRUCTOR CUES:</b>
<ul style="list-style-type: none"> <li>• P.G. 202-40 Responsibilities</li> <li>• P.G. 207-29 Police Attendant – Duties and Responsibilities</li> <li>• P.G. 212-01 Field Reports</li> <li>• P.G. 212-03 Roll Call Formations</li> <li>• P.G. 212-03 Expiration of Tour</li> <li>• P.G. 212-10 Interrupted Patrol</li> <li>• P.G. 212-16 Evacuations of New York City Transit Trains</li> <li>• P.G. 212-17 Procedures at Scenes of Critical Situations on New York City Transit</li> <li>• P.G. 212-18 Searches for Armed/Dangerous Persons on New York City Transit Tracks</li> <li>• P.G. 212-19 Animals on New York City Public Transportation</li> <li>• P.G. 212-20 Ejection from New York City Transit Property</li> <li>• P.G. 212-21 Photography in New York City Transit Property</li> <li>• P.G. 212-23 Inspection of Rapid Transit Station on Post</li> <li>• P.G. 212-24 Removal of Power in the Subway</li> <li>• P.G. 212-25 Revenue Escorts</li> <li>• P.G. 212-26 Inspection of New York City Housing Authority Facilities</li> <li>• P.G. 212-28 Disabled Housing Authority Elevator Car With Passengers</li> <li>• P.G. 212-31 Threats Against Members of the Service</li> <li>• P.G. 212-33 Confrontation Situations</li> <li>• P.G. 212-43 Vacate Orders for Residential Buildings</li> <li>• P.G. 212-58 Fire</li> <li>• P.G. 215-15 Confiscation of New York City Transit Student MetroCards</li> <li>• P.G. 212-59 Interior Patrol of Trespass Affidavit Buildings</li> <li>• P.G. 212-60 Interior Patrol of Housing Authority Buildings</li> <li>• P.G. 212-76 New York City Housing Authority Trespass Notice Program</li> <li>• P.G. 212-77 Processing Arrests Made Pursuant to the New York city Housing Authority Trespass Notice Program</li> <li>• P.G. 216-09 Animal Bites</li> <li>• P.G. 219-01 Inspection of Department Vehicles Each Tour by Operator</li> </ul> <p>At the conclusion of this lesson, the student will be able to:</p> <ul style="list-style-type: none"> <li>• Describe the events which occur at roll call.</li> <li>• Identify and discuss Precinct and Transit patrol.</li> <li>• Explain the proper procedure for interior patrol and its legal</li> </ul>	

<b>LESSON: PATROL OPERATIONS</b>	<b>INSTRUCTOR CUES:</b>
<p>implications:</p> <ul style="list-style-type: none"> <li>A. Describe the purpose and rationale for conducting interior patrols within Housing Authority property.</li> <li>B. Describe the importance of proper interactions between police officers and Housing Authority residents,</li> <li>C. Explain the revision to Patrol Guide section 212-60, "Interior Patrol of Housing Authority Buildings".</li> <li>D. Identify situations when an officer (a) may legally approach or stop someone on NYCHA property, and (b) when an officer should prepare a "Field Report".</li> <li>E. Explain the consequences of failing to adhere to the law in regard to stopping persons on NYCHA property.</li> <li>F. Explain the procedures to take when confronted with a disabled elevator.</li> <li>G. Identify the circumstance when a Field Report will be prepared.</li> <li>H. Explain the NYCHA Trespass Notice Program.</li> </ul> <ul style="list-style-type: none"> <li>• Discuss Supplementary procedures involving patrol operations.</li> <li>• List the required Activity Log entries at the beginning and end of tour.</li> </ul>	



# **REVISED EXHIBIT E**

**LESSON PLAN COVER SHEET**

<b>COURSE:</b> NYCHA Rules, Regulations & Signage	<b>TRAINEE LEVEL:</b> In-Service
<b>LESSON:</b> NYCHA Rules & Regulations ( <i>Related to Patrol Guide 212-60, "Interior Patrol of Housing Authority Buildings" and "Field Reports, Patrol Guide 207-29"</i> )	<b>TIME REQUIRED:</b> 45 Minutes
<b>PREPARED BY:</b> NYPD Police Academy	<b>DATE PREPARED:</b> 12/2014
<b>APPROVED BY:</b> NYPD Legal Bureau	<b>DATE APPROVED:</b>
<b>REVISED BY:</b> NYPD Legal, In-Service Tactical Training	<b>DATE REVIEWED/REVISED:</b>
<b>TRAINING NEED:</b> 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.	
<b>INSTRUCTIONAL GOAL:</b> 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.	
<b>PERFORMANCE OBJECTIVES:</b>  At the completion of this lesson the student will be able to:  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."	
<b>METHOD OF PRESENTATION:</b> Lecture	<b>CLASSROOM REQUIREMENTS:</b> Traditional Classroom Seating
<b>METHOD OF EVALUATION:</b>	
<b>STUDENT MATERIAL:</b> Notebook & Pen	
<b>TRAINING AIDS, SUPPLIES, EQUIPMENT:</b> PowerPoint presentation	<b>BIBLIOGRAPHY:</b> Patrol Guide 212-60, Patrol Guide 207-29, NYCHA posted "No Trespassing" signage

<b>LESSON:</b> NYCHA Rules & Regulations	<b>INSTRUCTOR CUES:</b>
<p style="text-align: center;"><b>Introduction</b></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 &amp; 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 &amp; 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"> <li>I. Identify the persons to which NYCHA Rules &amp; Regulations apply and locations of where these Rules &amp; Regulations are disseminated.</li> <li>II. Conduct all encounters with NYCHA residents and their guests with courtesy and respect and in compliance with all state and federal laws.</li> <li>III. List and define the POSTED Rules &amp; Regulations signage that applies to both NYCHA residents and non-residents and locations for where they are enforced.</li> <li>IV. Discuss the range of options for violating the NYCHA Rules &amp; Regulations.</li> <li>V. Review Patrol Guide 212-60, "Interior Patrol of Housing Authority Buildings."</li> </ol>	

<b>LESSON:</b> NYCHA Rules & Regulations	<b>INSTRUCTOR CUES:</b>
<p style="text-align: center;"><b><u>Body</u></b></p> <p><b>I. Identify the persons to which NYCHA Rules &amp; Regulations apply and locations of where these Rules &amp; Regulations are disseminated.</b></p> <p>A. Persons to which NYCHA Rules &amp; Regulations apply:</p> <ol style="list-style-type: none"> <li>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 &amp; Regulations.</li> <li>2. Non-residents and visitors to NYCHA developments are also required to obey posted rules.</li> </ol> <p>B. All NYCHA residents are notified of the Rules &amp; Regulations in three ways.</p> <ol style="list-style-type: none"> <li>1. "NYCHA Resident Lease Agreement" / "Highlights of House Rules, Lease Term and Policy"           <ol style="list-style-type: none"> <li>a. All tenants and authorized household members, age 18 and older, are directed to review and sign, therefore agreeing to follow, all NYCHA Rules &amp; Regulations.</li> </ol> </li> <li>2. "The NYCHA Resident Handbook"           <ol style="list-style-type: none"> <li>a. Portions of the Handbook give an abbreviated list of the Rules &amp; Regulations as well as current pet policies.</li> </ol> </li> <li>3. Notice:           <ol style="list-style-type: none"> <li>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.</li> <li>b. Non-English speakers may not be able to read conspicuously posted signs if they are not written in their native language.</li> </ol> </li> </ol>	<p>Learning Objective #1</p>

<b>LESSON:</b> NYCHA Rules & Regulations	<b>INSTRUCTOR CUES:</b>
<ul style="list-style-type: none"> <li>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.</li> <li>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.</li> <li>e. Verbal communication by UMOS or NYCHA representative.</li> </ul> <p>C. Non-residents are made aware of such Rules &amp; Regulations with relevant signage on development grounds.</p> <p>1. Notice:</p> <ul style="list-style-type: none"> <li>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.</li> <li>b. Non-English speakers may not be able to read conspicuously posted signs if they are not written in their native language.</li> <li>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.</li> <li>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.</li> <li>e. Verbal communication by UMOS or NYCHA representative.</li> </ul>	

<b>LESSON:</b> NYCHA Rules & Regulations	<b>INSTRUCTOR CUES:</b>
<p><b>II. Conduct all encounters with NYCHA residents and their guests with courtesy and respect and in compliance with all state and federal laws.</b></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"> <li>A) The public trusts (or should trust) us to come into their lives when conditions require it to help them.</li> <li>B) Oftentimes a resident may become an ally and offer information on residents who are violating NYCHA rules or committing other crimes.</li> <li>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.</li> </ul> <p><u>How can officers ensure positive interactions?</u></p> <ul style="list-style-type: none"> <li>A) Use professional language.</li> <li>B) Be sharp, neat, well spoken....not sloppy, belligerent or hostile.</li> <li>C) Look and sound professional to attain respect from the public.</li> <li>D) Improve communication skills and tone of voice (lose the attitude).</li> <li>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.</li> </ul>	<p>Learning Objective #2</p>

<b>LESSON:</b> NYCHA Rules & Regulations	<b>INSTRUCTOR CUES:</b>
<p style="text-align: center;">F) Remember that by de-escalating a situation, you are helping yourself stay in control of the interaction.</p> <p><b>NOTE:</b> 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><b>III. List and define the Rules &amp; Regulations contained on the posted signs that applies to both NYCHA residents and non-residents and locations for where the rules are enforced.</b></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><b>**NOTE:</b> DEVELOPMENT GROUNDS are</p> <ol style="list-style-type: none"> <li>1. All NYCHA buildings, apartments, manager's offices, maintenance areas, storage rooms, etc.</li> <li>2. All walkways, grounds, parking areas and development driveways located within NYCHA developments.</li> <li>3. Laundries, community centers, childcare centers, senior citizen centers, etc. which operate within NYCHA buildings.</li> </ol>	<p>Learning Objective #3</p>



<b>LESSON:</b> NYCHA Rules & Regulations	<b>INSTRUCTOR CUES:</b>
<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"> <li>1. Alcohol Consumption and Possessing Open Containers of Alcohol</li> <li>2. Barbecuing except by permit</li> <li>3. Bicycle Riding / Skateboarding / Rollerblading except in designated areas</li> <li>4. Creating a Disturbance / Engaging in Dangerous Activity</li> <li>5. Defacing NYCHA Property by graffiti or other means</li> <li>6. Dogs:           <ul style="list-style-type: none"> <li>• <i>Failing to curb your dog or pick up solid dog waste</i></li> <li>• <i>Possessing dogs not registered with NYCHA</i></li> <li>• <i>Possessing unleashed dogs</i></li> </ul> </li> <li>7. Drug Sale, Use, or Possession</li> <li>8. Entering restricted areas, including a building roof or roof landing (area at the top of the stairwell)</li> <li>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.).</li> <li>10. Littering</li> <li>11. Playing loud music or creating unreasonable noise</li> <li>12. Smoking in common areas of building</li> </ol>	

<b>LESSON:</b> NYCHA Rules & Regulations	<b>INSTRUCTOR CUES:</b>
<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 <b>playgrounds, picnic or barbecue areas, gardens, trees, shrubs, grass or groundcover</b>, or to violate any of the aforementioned posted Rules &amp; Regulations.</p> <p><b>IV. Discuss the range of options for enforcing the NYCHA Rules &amp; Regulations.</b></p> <p>A. The observation of the violation of any of the posted Rules &amp; 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><b>** NOTE</b> - Officers are to be aware that some, but not all, violations of NYCHA rules warrant concurrent criminal enforcement.</p> <p><b>**NOTE</b> – Non-English speakers may not be able to read the posted Rules &amp; 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"> <li>1. Alcohol Consumption and Possessing Open Containers of Alcohol (also prohibited in community centers)           <ol style="list-style-type: none"> <li>a. Field Report &amp; Activity Log entry</li> <li>b. C Summons               <ul style="list-style-type: none"> <li>• <i>Drinking in Public Admin Code 10-125(b)</i></li> </ul> </li> </ol> </li> <li>2. Barbecuing except by NYCHA permit           <ol style="list-style-type: none"> <li>a. Field Report &amp; Activity Log entry</li> <li>b. C Summons               <ul style="list-style-type: none"> <li>• <i>NYC Fire Code 307.1</i></li> </ul> </li> </ol> </li> </ol> <p><b>** NOTE</b></p>	<p>Learning Objective #4</p>

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

<b>LESSON:</b> NYCHA Rules & Regulations	<b>INSTRUCTOR CUES:</b>
<ul style="list-style-type: none"> <li>• <i>Failing to curb your dog / Failing to pick up solid dog waste or</i></li> <li>• <i>Possessing an unleashed dog (leash must be six feet or less in length)</i></li> </ul> <p>a. Field Report &amp; Activity Log entry</p> <p>b. Ejection (non-resident only)</p> <p>c. C Summons</p> <ul style="list-style-type: none"> <li>• <i>Failing to curb / Fail to pick up solid waste NY State Public Health Law 1310</i></li> <li>• Possessing unleashed dog NYC Health Code 161.05</li> </ul> <p>7. Drug Sale, Use, or Possession</p> <p>a. C Summons / Arrest</p> <ul style="list-style-type: none"> <li>• <i>Penal Law Articles 220 and 221 (as appropriate)</i></li> </ul> <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"> <li>• <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></li> <li>• 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.</li> <li>• 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</li> </ul>	<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>

<b>LESSON:</b> NYCHA Rules & Regulations	<b>INSTRUCTOR CUES:</b>
<p>public, other officers, and the radio dispatcher.</p> <ul style="list-style-type: none"> <li>• 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.</li> <li>• 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.</li> <li>• 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.</li> </ul> <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"> <li>• Any person may be arrested for trespassing in a restricted area if he or she refused to leave after instructed.</li> </ul> <p><b>** NOTE</b> MOS should:</p> <ul style="list-style-type: none"> <li>• Take note of posted, missing or defective signs.</li> <li>• Document defendant's statements.</li> <li>• Document any other relevant information.</li> </ul> <p>9. Lingering in common areas of building</p> <p>a. Field Report &amp; Activity Log entry</p> <p><b><i>LINGERING IS NOT A VIOLATION OF THE LAW – IT IS ONLY A VIOLATION OF THE RULES</i></b></p>	

<b>LESSON:</b> NYCHA Rules & Regulations	<b>INSTRUCTOR CUES:</b>
<p><b>**Definition of “Lingering”:</b> <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><b>** 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 <b>NOT</b> a violation of law.</b></p> <p><u>Example of “Lingering” is:</u></p> <ul style="list-style-type: none"> <li>• (Stairway) Three people are sitting on the stairs in a stairwell.</li> </ul> <p><b>** 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.</b></p> <p><b>** NOTE A person cannot be arrested for mere lingering in a stairwell.</b></p> <p><u>The following examples would NOT be “Lingering”:</u></p> <ul style="list-style-type: none"> <li>• (Lobby) - Someone is standing in the lobby engaging in a brief conversation with another person while getting their mail from the mail box.</li> </ul> <p><b>** <u>This is not lingering.</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.</b></p> <ul style="list-style-type: none"> <li>• (Lobby) A resident waiting in the lobby for a cab or for a delivery</li> </ul> <p>10. Littering</p> <p>Inside building</p> <p>a. Field Report &amp; Activity Log entry</p>	

<b>LESSON:</b> NYCHA Rules & Regulations	<b>INSTRUCTOR CUES:</b>
<p>Outside building</p> <ul style="list-style-type: none"> <li>b. Field Report &amp; Activity Log entry</li> <li>c. C Summons             <ul style="list-style-type: none"> <li>Littering Admin Code 16-118(1)</li> </ul> </li> </ul> <p>11. Playing loud music (with sound reproductive device, e.g. portable stereo device)</p> <ul style="list-style-type: none"> <li>a. Field Report &amp; Activity Log entry</li> <li>b. C Summons for Admin Code 24-244(a)</li> </ul> <p><b>** NOTE:</b> 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"> <li>a. Field Report &amp; Activity Log entry</li> <li>b. ECB Summons             <ul style="list-style-type: none"> <li>• Admin Code 24-218</li> </ul> </li> </ul> <p>12. Smoking</p> <ul style="list-style-type: none"> <li>• In elevator</li> </ul> <ul style="list-style-type: none"> <li>a. C Summons             <ul style="list-style-type: none"> <li>• NYC Health Code 181.17(a)</li> <li>• In common areas of building (other than elevator)</li> </ul> </li> <li>b. Field Report &amp; Activity Log entry</li> </ul> <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"> <li>a. Field Report &amp; Activity Log entry</li> <li>b. A or B Summons             <ul style="list-style-type: none"> <li>• Obedience to required Traffic Control Devices - VTL 1110 (a)</li> </ul> </li> </ul>	<p>Learning</p>



<b>LESSON:</b> NYCHA Rules & Regulations	<b>INSTRUCTOR CUES:</b>
<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"> <li>• Driving on Sidewalk - VTL 1225 (a)</li> </ul> <p>           ** <b>NOTE</b> NYC Traffic Regulations apply on NYCHA property.         </p> <p> <b>V. Review P.G. 212-60, “Interior Patrol of Housing Authority Buildings.”</b> </p> <p> <b>A.</b> The four (4) levels of DeBour apply to NYCHA buildings.         </p> <ul style="list-style-type: none"> <li>• Request for Information (objective credible reason to approach)</li> <li>• Common Law Right of Inquiry (founded suspicion that criminal activity is afoot)</li> <li>• Reasonable Suspicion</li> <li>• Probable Cause</li> </ul> <p> <b>B.</b> UMOS must perform interior patrols and engage citizens in a manner that respects the rights of NYCHA residents and guests.         </p> <p> <b>C. <u>Reminder:</u></b> UMOS need an objective credible reason to approach a person inside a NYCHA building.         </p> <p> <b>D.</b> Violations of NYCHA rules are an <b><u>objective credible reason to approach a person</u></b>.         </p> <p> <b>E. <u>NOTE:</u></b> <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> <b>F.</b> Arrest for Criminal Trespass if you reach probable cause that the person knowingly entered or remained unlawfully in a NYCHA apartment building.         </p> <p> <b>G.</b> 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"> <li>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.</li> <li>2. Take reasonable measures to verify the person’s</li> </ol>	<p>Objective #5</p>

<b>LESSON:</b> NYCHA Rules & Regulations	<b>INSTRUCTOR CUES:</b>
<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"> <li>1. If you stop any person, you must complete a STOP, QUESTION AND FRISK REPORT WORKSHEET (PD344-151A) and make an ACTIVITY LOG entry.</li> <li>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.</li> <li>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)</li> <li>4. <b>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.</b></li> <li>5. <b>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.</b></li> <li>6. <b>NOTE: Merely passing through a door that has a defective lock or that has been propped open does not, alone, constitute reasonable suspicion</b></li> </ol>	

<b>LESSON:</b> NYCHA Rules & Regulations	<b>INSTRUCTOR CUES:</b>
<p><i>of criminal activity.</i></p> <p><b>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.</b></p> <p><b>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.</b></p> <p><b>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.</b></p> <ol style="list-style-type: none"> <li>1. Make an ACTIVITY LOG entry</li> <li>2. Prepare Trespass Criminal Fact Sheet</li> <li>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"</li> <li>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.</li> <li>5. Even if there is probable cause to arrest a person for trespassing, officers may exercise</li> </ol>	

<b>LESSON:</b> NYCHA Rules & Regulations	<b>INSTRUCTOR CUES:</b>
<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"> <li>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.</li> <li>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.</li> <li>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.</li> <li>9. A person's silence when questioned, alone, does not support reasonable suspicion to stop or probable cause to arrest.</li> </ol> <p style="text-align: center;"><b><u>Conclusion</u></b></p> <p>Police officers must be aware of the specific procedures for policing NYC Housing Authority developments, including the non-criminal Rules &amp; Regulations.</p> <p>In enforcing these Rules &amp; 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>	

<b>LESSON:</b> NYCHA Rules & Regulations	<b>INSTRUCTOR CUES:</b>
<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"> <li>I. Identify the persons to which NYCHA Rules &amp; Regulations apply and locations of where these Rules &amp; Regulations are disseminated.</li> <li>II. Conduct all encounters with NYCHA residents and their guests with courtesy and respect and in compliance with all state and federal laws.</li> <li>III. List and define the POSTED Rules &amp; Regulations signage that applies to both NYCHA residents and non-residents and locations for where they are enforced.</li> <li>IV. Discuss the range of options for enforcing the NYCHA Rules &amp; Regulations.</li> <li>V. Review P.G. 212-60, "Interior Patrol of Housing Authority Buildings."</li> </ul>	

# EXHIBIT F

**TRESPASS CRIMES – FACT SHEET**

PD 351-144 (Rev. 01-15) — DRAFT

**Complete all Captions on BOTH Sides of This Form**

Defendant's Name		Arrest No.	
Date of Arrest	Time of Arrest	Location	
Arresting Officer's Name		Shield No.	Tax No.
Observing Officer's Name		Shield No.	Tax No.
			Command

1. Were there "No Trespassing" and/or "Tenants and Guests Only" signs conspicuously posted at the location? ☐ Yes ☐ No

IF YES, Where? \_\_\_\_\_

**For NYCHA arrests ONLY:** If the defendant was arrested for presence in a restricted area, were there conspicuously posted signs at the location that prohibit entry in that specific restricted area? ☐ Yes ☐ No

IF YES, where were those signs? \_\_\_\_\_

2. Was defendant seen entering the location? ☐ Yes ☐ No

IF YES, how did the defendant gain access to the building? \_\_\_\_\_

3. How long did you observe the defendant in the building before you approached? \_\_\_\_\_

4. Where was the defendant when he was stopped? \_\_\_\_\_

5. Describe the factors that led to the decision to approach and question the defendant:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

6. Did you approach the defendant and ask:

a) Do you live in the building? ☐ Yes ☐ No If Yes, (response) \_\_\_\_\_

b) Are you visiting someone in the building? ☐ Yes ☐ No If Yes, (response) \_\_\_\_\_

c) Do you have business in the building? ☐ Yes ☐ No If Yes, (response) \_\_\_\_\_

**OVER**



7. How was it determined that the defendant was not a tenant, guest or on business in the building, prior to arrest?

\_\_\_\_\_

\_\_\_\_\_

a) Did defendant provide an apartment number? ☐ Yes ☐ No IF YES, Apt No. \_\_\_\_\_

b) Did defendant provide a name of an alleged tenant he/she was visiting? ☐ Yes ☐ No

Name Provided \_\_\_\_\_

c) Did you go to apartment defendant indicated? ☐ Yes ☐ No

8. Did defendant make any statements? ☐ Yes ☐ No IF YES, defendant stated in sum and substance:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Statement made to \_\_\_\_\_ Shield No. \_\_\_\_\_ Tax No. \_\_\_\_\_

at approximately \_\_\_\_\_(time) at \_\_\_\_\_(location)

on \_\_\_\_\_(date)

9. Was evidence recovered from the defendant? ☐ Yes ☐ No

a) IF YES, describe the evidence and EXACTLY where the evidence was recovered from \_\_\_\_\_

\_\_\_\_\_

b) Did you recover the evidence? ☐ Yes ☐ No

IF NO, did you observe the recovery of the evidence? ☐ Yes ☐ No

c) Indicate officer who recovered evidence:

Rank/Name \_\_\_\_\_ Shield No. \_\_\_\_\_ Tax No. \_\_\_\_\_

Reporting Officer's Signature

Date

**New York City Housing Authority (NYCHA)**  
**Highlights of House Rules, Lease Terms and Policy**

**This document contains highlights of NYCHA lease requirements, “house rules and regulations,” general provisions of law and NYCHA policy. The document is intended to remind NYCHA residents of these important requirements.**

**Note that this document is NOT a lease and NOT a lease addendum.**

**The act of signing this document will not grant any rights of tenancy or authorized occupancy.**

**This document does not waive any lease provision, rule or policy not included here. All provisions of other NYCHA rules, policy or lease clauses not mentioned here remain in full force and effect.**

*Contact your development housing assistant for more details.*

<b>FINANCIAL INFORMATION</b>	
1	<p><b>Annual Review:</b> Every household must submit to NYCHA every year the Annual Review booklet. This lists both the tenants (person(s) who signed the lease) and family members who did not sign the lease but are authorized by NYCHA to reside in the household.</p> <p>Include in the booklet income information for <b>ALL</b> household members. Examples of income include: employment wages, Social Security benefits, Supplemental Security Income (SSI), pension, public assistance, unemployment benefits and income from a business.</p> <p>NYCHA verifies the accuracy of the information reported through US Department of Housing and Urban Development (HUD) databases and other sources.</p>
2	<p><b>Rent:</b> Rent is based on the income of <b>all</b> household members. Rent is based on 30% of household income (less allowable deductions) or the welfare rent, and cannot go higher than any rent ceiling in effect.</p>
3	<p><b>Rent Due:</b> Rent for the entire month is due the <b>first</b> day of the month and must be paid entirely, unless the family pays by <i>automatic rent payment</i> (see #5 below), where rent can be paid twice a month.</p>
4	<p><b>Rent Payment Options:</b> Rent is paid <b>once</b> a month, due on the first of the month:</p> <ul style="list-style-type: none"> <li>• <u>by mail</u>: mail your check or money order along with the monthly rent bill,</li> <li>• <u>by phone</u>: call (866) 942-3104,</li> <li>• <u>with cash at a bank</u>, or</li> <li>• <u>with cash at a check cashing store</u>: At Pay-O-Matic.</li> </ul>
5	<p><b>Automatic Rent Payment Options</b> – rent is paid <b>twice</b> a month:</p> <ul style="list-style-type: none"> <li>• <u>Payroll Rent Deduction</u>: available to most New York City municipal employees, including NYCHA employees</li> <li>• <u>Automatic Rent set up by computer</u>: available to any resident whose source of income (for example: wages, pension, Social Security) is <u>directly deposited</u> to their bank account <b>and</b> the resident signs up for automatic rent payment (go to <a href="http://www.nyc.gov/nycha">www.nyc.gov/nycha</a> and select “Online Rent payment”).</li> <li>• <u>Public Assistance</u>: PA recipients whose rent is paid by the Department of Social Services twice monthly.</li> </ul>
<b>APARTMENT INFORMATION</b>	
6	<p><b>Repairs and Inspection:</b> Report needed repairs and emergencies to the Customer Contact Center (CCC) at (718) 707-7771. Residents must help facilitate repairs and inspections by providing access to their apartment as needed.</p>
7	<p><b>Window Guards:</b> Every window in every apartment must have a window guard, even if you don’t have children living in your apartment. If you remove a window guard to install an air conditioner (A/C), you must call the development office because NYCHA must inspect the window to see that the A/C is securely installed.</p>
8	<p><b>Major Appliances:</b> If you want to get a major appliance (air conditioner, freezer, dishwasher or clothes washing machine) you must contact the development office and sign a special appliance agreement. There may be a small electricity or water usage fee involved. <b><i>Clothes dryers are prohibited.</i></b></p>
9	<p><b>Occupancy:</b> Only the tenant(s) and people authorized by NYCHA may reside in your apartment. Unauthorized occupants are not permitted. If an authorized member of your household leaves, you must notify NYCHA and verify that the person moved out.</p>

A translation of this document is available in your management office and online at [nyc.gov/nycha](http://nyc.gov/nycha).

La traducción de este documento está disponible en su oficina de administración y en Internet en [nyc.gov/nycha](http://nyc.gov/nycha).

文件譯本可到屋邨管理辦事處或上網址 [nyc.gov/nycha](http://nyc.gov/nycha) 索取。

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Please call the Language Services Unit at 212-306-4443 for an oral interpretation of this document in other languages

**New York City Housing Authority (NYCHA)**  
**Highlights of House Rules, Lease Terms and Policy**

10	<b>Additions to Your Household:</b> Tenants may request permission from NYCHA for another person to reside with them in their apartments. NYCHA may grant permission for an additional person(s), upon certain conditions, including: the tenant is in occupancy and in good standing, and if the additional person is one of the acceptable relationship categories (such as child, sibling, parent, grandparent, spouse or registered domestic partner), meets the occupancy standards and passes a criminal background check.
11	<b>Transfers:</b> A tenant may request a transfer to another apartment. NYCHA may grant the transfer if the tenant is in good standing and the reason for transfer falls within one of the allowable transfer categories. If a family is allowed to transfer, the entire family must move and no one is allowed to remain in the old apartment. NYCHA may require a family to transfer if the family underoccupies the apartment or NYCHA needs the apartment for some NYCHA purpose.
12	<b>Emergency Transfers:</b> NYCHA has an emergency transfer program for Victims of Domestic Violence (VDV), Intimidated Witnesses (IW), Intimidated Victims (IV) or Child Sexual Victims (CSV) who meet certain requirements, including submitting documents to prove their status, and who are willing to move to a development selected by NYCHA within their borough of choice. If a family is allowed to transfer, the entire family must move and no one is allowed to remain in the old apartment. The abuser does not transfer and must be excluded from the old apartment.
13	<b>Violence Against Women Act (VAWA):</b> NYCHA will not consider an incident of domestic violence, dating violence or stalking as grounds to terminate the tenancy or occupancy rights of the victim of abuse. A victim of abuse may request an Emergency Transfer if the victim is the tenant and meets the requirements of the Emergency Transfer Program (see #12 above). NYCHA may proceed to terminate the tenancy or occupancy rights of the abuser.
14	<b>Apartment Condition:</b> The apartment must be maintained in a good, clean and sanitary condition. Residents and their guests may not damage, deface or destroy the apartment or any NYCHA property. The tenant will take every reasonable precaution to prevent fires and will not store gasoline or other hazardous flammable substances in the apartment.
15	<b>Waste:</b> The tenant must dispose of all waste and trash properly. Kitty litter shall be placed in the compactor chute with other household garbage and <b>not</b> flushed down the toilet. Large items such as mattresses and other furniture must be disposed of properly and may <b>not</b> be left in common areas.
16	<b>Smoke Alarm / CO Detector:</b> The tenant must keep in good condition all smoke or Carbon Monoxide (CO) detectors. The tenant is responsible for changing the batteries so that they function properly.
17	<b>Moving:</b> <ul style="list-style-type: none"> <li>• Moving is permitted by permit only. Residents must obtain a moving permit from the management office prior to moving.</li> <li>• Moving is permitted only on weekdays, Monday through Friday, between 9:00 AM to 5:00 PM.</li> <li>• Special moving situations must be approved by development management.</li> </ul>
<b>BUILDING AND DEVELOPMENT INFORMATION</b>	
18	<b>Trespassing Prohibited:</b> NYCHA premises are for the exclusive use of residents, invited guests, and persons with legitimate business. All persons are asked to cooperate with inquiries from NYCHA management, contract security hired by NYCHA, Resident Watch, and the police regarding their presence or conduct in any building or on development grounds.
19	<b>Restricted Areas:</b> No persons (including residents) are permitted in restricted areas, for example: roofs, roof landings and maintenance rooms, except for authorized and emergency personnel.
20	<b>TV Antenna / Cable TV Dish Antenna:</b> A resident is prohibited from installing a TV antenna or cable dish antenna either on the roof or on the exterior of the building outside an apartment.
21	<b>Lobby / Stairwell / Elevator:</b> The lobby or stairwell is meant for resident use to either go in or out of the building or to walk from floor to floor. <ul style="list-style-type: none"> <li>• Unlawful activity, lingering, smoking, the consumption of alcohol, and the possession of an open container of alcohol, are prohibited in the lobby, corridors, and stairwell. 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;</li> </ul>

**New York City Housing Authority (NYCHA)**  
**Highlights of House Rules, Lease Terms and Policy**

	<p>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.</p> <ul style="list-style-type: none"> <li>• Tampering with an elevator or riding on top of an elevator cab is prohibited.</li> <li>• Leaving an entrance or exit door propped open or unlocked is prohibited.</li> </ul>
22	<p><b>Parking:</b> NYCHA maintains parking lots as part of its residential developments and permits parking by both residents and non-residents. <u>No one may park in a parking lot without a current year parking registration sticker displayed in the windshield.</u> A sticker is valid for one year beginning May 1<sup>st</sup>. NYCHA charges different parking rates depending on whether the parking applicant is a resident or non-resident, or if the lot desired is a reserved or non-reserved lot. NYCHA also provides parking for persons with disabilities. <b>Vehicle repair other than the changing of tires is NOT permitted in parking areas.</b> Vehicles in violation of these provisions may be subject to summons and/or tow at the owner's expense.</p>
23	<p><b>Closed Circuit TV:</b> NYCHA installs closed circuit television cameras in various development locations, such as lobby and mail box areas, building entrances and exits, elevators, shops, community centers and other development rooms and ground locations. The cameras are intended to deter objectionable conduct and consequently improve the safety and security of residents, employees and property. Persons may not damage or destroy cameras or obstruct camera views.</p>
24	<p><b>Common Areas, Development Grounds and Recreational Areas:</b> NYCHA common areas are for the benefit of all residents. 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 following:</p> <ul style="list-style-type: none"> <li>• Creating a nuisance or disturbance is prohibited.</li> <li>• Rollerblading, bicycle riding and skateboarding are prohibited.</li> <li>• The consumption of alcohol and possession of an open container of alcohol are prohibited, including in community centers.</li> <li>• Drug Sale, Use or Possession</li> <li>• Barbecues without a NYCHA permit are prohibited.</li> <li>• Basketball courts close at 10:00PM. All other parks close at dusk, unless otherwise indicated.</li> <li>• Sound amplification devices are prohibited except by NYPD permit.</li> <li>• Littering and illegal dumping are prohibited.</li> <li>• The use of vehicles on sidewalks, internal roadways, and walkways is prohibited except for emergency vehicles and NYCHA authorized vehicles.</li> </ul> <p>All persons must comply with specific signs posted throughout the development regarding their use of or conduct in any area.</p>
<b>GENERAL INFORMATION</b>	
25	<p><b>Pets:</b></p> <ul style="list-style-type: none"> <li>• A family may maintain <u>one dog or one cat</u>, provided that it is registered with the development office. Dogs registered after February 1, 2010 may not weigh more than 25 pounds when full grown. Doberman Pinchers, Pit Bulls and Rottweilers are not permitted.</li> <li>• Dogs or cats NOT registered with NYCHA are prohibited from common areas and development grounds.</li> <li>• All dogs (including dogs that are Service Animals) in common areas and on development grounds must wear a currently valid metal tag issued by NYCHA and must also have a Department of Health and Mental Hygiene metal tag with license number displayed on a collar about its neck at all times.</li> <li>• A family may obtain a Service Animal if a doctor verifies that the animal assists, supports or provides service to a resident with disabilities. Service Animals must be registered with the development office.</li> <li>• Small caged animals, birds or fish (for example: parakeets, canaries, goldfish, hamsters and gerbils - this does <b>NOT</b> include dogs or cats) reasonably maintained are permitted, provided they are not prohibited by law. These animals do not have to be registered with NYCHA.</li> <li>• Dogs in common areas must be restrained by a leash 6 feet or less. Pets are prohibited from roofs.</li> <li>• Dogs must be curbed. Solid dog waste must be picked up.</li> </ul>
26	<p><b>Reasonable Accommodation:</b> NYCHA provides reasonable accommodation to meet the needs of persons with disabilities. To request a reasonable accommodation, contact your development manager or the NYCHA Department of Equal Opportunity, Services for the Disabled.</p>
27	<p><b>Community Service:</b> Every resident must perform 8 hours every month of Community Service or Economic</p>

**New York City Housing Authority (NYCHA)**  
**Highlights of House Rules, Lease Terms and Policy**

	Self-Sufficiency activities unless he or she is exempt. NYCHA notifies a family every year of Community Service requirements.
28	<b>Termination of Tenancy:</b> NYCHA may start a proceeding to terminate tenancy if a tenant or family member commits a crime, is a source of danger to other residents, causes damage to people or property, creates a nuisance, breaches NYCHA rules or is chronically delinquent in the payment of rent.

**New York City Housing Authority (NYCHA)**  
**Highlights of House Rules, Lease Terms and Policy**

*NOTE: The Lease requires that a tenant (lessee) is responsible for the behavior of his/her family members and guests.*

NYCHA requires that the tenants and all authorized household members age 18 and older sign below to indicate they have received and reviewed these highlights of NYCHA's House Rules, Lease Terms and Policy.

If a household member cannot sign because of a physical or mental disability, or because the person is temporarily away from the apartment (such as in an out-of-town school or away in the military), print that person's name on a line and state the reason that he or she can not sign.

**Note** that you must separately inform your development housing assistant if a household member was permanently removed from the household.

*Attach an additional sheet with signature lines if necessary.*

Tenant – person who signed the NYCHA lease ( <i>print and sign name</i> )	Date
Tenant - person who signed the NYCHA lease ( <i>print and sign name</i> )	Date
Authorized Household Member over age 18 ( <i>print and sign name</i> )	Date
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Authorized Household Member over age 18 ( <i>print and sign name</i> )	Date
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