

## **Guidance for DCAS Police on Implementation of Local Law 246**

### **I. PURPOSE**

- A. Ensure DCAS Police is in compliance with Local Law 246 (2017) Non-Local Law Enforcement Officer access to City Space (All DCAS owned, leased and managed facilities under jurisdiction of DCAS Police).

### **II. REFERENCE**

- A. Local Law No. 246 (2017) Effective April 16, 2018 (New York City Administrative Code Section 4-210)
- B. DCAS Memorandum to Tenant Agencies Dated April 16, 2018

### **III. LOCAL LAW 246 (2017) NYCAC SECTION 4-210**

- A. Non-local law enforcement means personnel empowered to enforce civil or criminal laws, including state and federal law enforcement, and excluding personnel of the City, or other local entities.
- B. Local Law 246 (LL246) prohibits the City from permitting non-local law enforcement personnel to have access to non-public areas of city property unless:
  - 1. they are authorized to have access under an agreement or contract,
  - 2. they have a judicial warrant,
  - 3. access is otherwise required by law,
  - 4. access is pursuant to a cooperative arrangement among city, state or federal agencies,
  - 5. access furthers the purpose or mission of a city agency, or
  - 6. exigent circumstances exist.
- C. Common Public, DCAS Public, DCAS Non-public and Tenant areas.

1. Common public areas of city property are areas that members of the public can access without special permission. Examples of public areas in some DCAS facilities include lobbies, elevators, elevator vestibules, restrooms in public areas, and public stairwells.
2. DCAS public areas may include waiting areas, City Store, CTAC applicant reception area, Certification reception area.
3. DCAS non-public areas are DCAS office space. Examples of non-public areas may include office space beyond elevator vestibule doors, office space beyond the receptionist desk, and restrooms located in such office space.
4. Tenant areas are spaces within DCAS facilities that are assigned to other City agencies. Tenants will define their public and non-public areas.

D. Note that, as set forth above, access restrictions in Section 4-210 do not apply to employees of the City (including New York City Police Officers), the City Department of Education and local governmental entities, including for example the New York City Health and Hospitals Corporation, the New York City Housing Authority, the Port Authority, and the Metropolitan Transit Authority.

#### **IV. PROCEDURE**

In the event non-local law enforcement officer indicates the need to access **DCAS non-public space**, DCAS Police should:

1. Politely inform the non-local law enforcement officer that pursuant to LL246, DCAS Police is required to seek authorization from the General Counsel prior to allowing access.
  - A. Request and log the following information of the non-local law enforcement officer:
    - 1) Identification (name, shield, agency, business card if available)
    - 2) Purpose of visit
    - 3) Any relevant documents (e.g. subpoena, warrant, affidavits, etc.)
2. Contact the General Counsel's LL246 notification number at (212) 386-XXXX.

3. Await General Counsel's review of all documentation provided by the non-local law enforcement officer.
4. Follow instructions provided by the General Counsel.
5. Call DCAS Police Operations desk at (212) 669-4300 to inform Duty Supervisor of non-local law enforcement officer's presence in DCAS facility.
6. If non-local law enforcement insists on immediate access and are not willing to wait for the DCAS General Counsel authorization, DCAS Police should not attempt to deny entry or impose any barriers to entry. To the extent possible, in such situations, the DCAS Police should follow the current protocols in place for entry of law enforcement officers, that is, to request that the NL-LEO present their law enforcement identification, enter their destination and purpose of visit in the Law Enforcement Log Book. Sign the log book.
7. Ensure a SITREP is sent as soon as practicable.
8. Log encounter with all relevant information in the Site Book and Personal Memo Book.