NYC Parks

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Policy for Frontline City Workers for In-Person Interactions with Non-Local Law Enforcement at City Sites

The following policy implements New York City Administrative Code § 4-210 by limiting access by non-local law enforcement officers to non-public areas of NYC Parks & Recreation (NYC Parks), including spaces leased or owned by the City on behalf of NYC Parks. This policy also implements section 996-a of the New York State General Municipal Law regarding access to NYC Parks property by immigration authorities.

Non-Public Areas of NYC Parks Property

A. This guidance applies to NYC Parks employees and relevant NYC Parks contractors and illustrates how in-person interactions with non-local law enforcement should be handled at non-public areas of NYC Parks property, such as NYC Parks spaces that are not open to the general public or areas that require identification to enter and/or need an appointment to enter. (*See* Administrative Code 4-210). The following steps cover how staff should interact with non-local law enforcement personnel who are requesting to enter non-public areas of NYC Parks property. Examples of such locations would include Recreation Centers, certain NYC Parks Administrative offices, construction sites, and certain cooking and office space at concessions

   i. When approached by non-local law enforcement seeking entry to non-public areas of NYC Parks property, NYC Parks employees should ask to see identification. If no identification is presented, the employee should say *"I'm not authorized to let you in without ID.*" If identification is presented, the employee should immediately take a picture of it AND call the NYC Parks General Counsel, speak with the General Counsel or his designee, and send the picture of the ID to the General Counsel or designee.[1] (A list of contacts for the NYC Parks General Counsel's Office will be supplied to relevant sites). *See* Attachment A.

   ii. Next, the NYC Parks employee should ask the non-local law enforcement agent, *"What is the purpose of your visit?"* If the agent says that they are there looking for an individual or to search the premises, the employee should ask, "*Do you have a judicial warrant?"*.

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iii. If a warrant is produced, the NYC Parks employee should take a picture of it and send the photo to the NYC Parks General Counsel. Non-local law enforcement agents should be instructed to wait in place until the NYC Parks General Counsel instructs the NYC Parks employee on how to proceed. The NYC Parks employee can say, *"You are welcome to wait until I receive confirmation from my counsel that you can enter."* NYC Parks employees **should not** make their own determinations on the validity of documentation provided by officers.

iv. Upon confirmation from the NYC General Counsel that the document is a judicial warrant, the non-local law enforcement agent is admitted to the site but should be directed to ONLY the individual named in the warrant (if an arrest warrant) or to the specific locations noted in the warrant (if a search warrant).

v. If the NYC Parks General Counsel confirms that there is no evidence of a valid judicial warrant, the NYC Parks General Counsel will explain "*I am not authorized to let you in because this is not a judicial warrant"* and the NYC Parks staff should similarly advise the non-local law enforcement agent. The employee should say, "*I am not authorized to let you in. I will call agency counsel and you can speak with them.*"

vi. If the non-local law enforcement agent says that they are seeking information or documents, the employee should direct them to the NYC Parks General Counsel immediately and say that only the NYC General Counsel can assist with this request. The employee **should not** provide any information or respond to any questions about the facility or its operations to the agent.

vii. Through the interaction, the NYC Parks employees should consult with the NYC Parks General Counsel and take pictures.

viii. At any point during the interaction with non-local law enforcement that there is an escalation of the situation, and the non-local law enforcement agent becomes aggressive or threatening or asserts that there are exigent circumstances, the NYC Parks employee should remain calm. Let the agent know you will be calling agency counsel and NYPD. Reiterate: "*I am not authorized to let you in. You can reach out to my agency's counsel."*

ix. If the non-local law enforcement agent enters without proper authorization, call 911. Furthermore, the employee should communicate in real time with counsel and attempt to document the entry and conduct of officers if safe to do. If unsafe, documentation may occur after agents have left. **However, NYC Parks Employees should not engage in physical or verbal altercations with law enforcement**.

x. **NYC Parks employees who fail to comply with this policy may be subject to discipline, which may include suspension or termination.**

B. In any NYC Parks space, such as a waiting room or a location where the public may go to obtain City services, which may require a security screening to enter but is otherwise open to the public, the following procedure should be followed: The presence of non-local law enforcement in such a space should be regulated the same as any member of the public. All people in such spaces must be present to conduct business with the agency or to assist a

person who is conducting business with the agency. Individuals who are present in such spaces with no stated purpose, especially if they linger for significant periods, should be asked to leave. If they refuse, standard procedures for addressing people who do not leave when asked to should be used. Examples of such locations could be waiting areas at NYC Parks Administrative offices.

City Lots

A. If non-local law enforcement agents are present at a NYC Parks lot and ask to use such lot as a staging area, processing location, or operations base for the enforcement of civil or criminal laws, NYC Parks staff should follow the procedure noted above regarding access to non-public areas of NYC Parks property. Examples of possible presence of non-local law enforcement would be groups of officers in uniform or plain clothes gathering with or without vehicles.

B. If NYC Parks receives an advance request to use a NYC Parks lot as a staging area, processing location, or operations base for the enforcement of civil or criminal laws, the employee who received the request should send it to the NYC Parks General Counsel, who will decide whether access may be granted and who will communicate the decision to the requesting agency. If NYC Parks General Counsel determines that access may be granted, NYC Parks staff should remain in contact with the NYC Parks General Counsel periodically about the agents' use of the NYC Parks lot to ensure such use aligns with the scope of the authorization to enter.

Public Areas of City Property

A. NYC Parks property is authorized to be used only for parks purposes. Staff who see people, including non-local law enforcement, using NYC Parks property for a non-park purpose should alert their supervisor. If such activity includes non-local law enforcement, staff should also contact the NYC Parks General Counsel.

B. It is recommended that the following steps be taken if non-local law enforcement is observed in a public area of NYC Parks property:

   i. Notify your supervisor and the NYC Parks General Counsel that non-local law enforcement is on site.

   ii. If feasible and safe to do, document the presence of non-local law enforcement.

   iii. If staff observe non-local law enforcement using NYC Parks property as a staging area, processing location, or operations base for law enforcement purposes, and if feasible and safe to do, document the following information: type of non-local law enforcement, number of officers, number of vehicles, actions taken while on NYC Parks property, and length of time on NYC Parks property. If staff become aware of information about actions taken by non-local law enforcement after they depart NYC Parks property, staff should note such information.

   iv. Prepare to operationalize the guidance above should non-local law enforcement seek entry into non-public areas.

v. If non-local law enforcement is observed to interact with members of the public, consider providing affected individuals with Know Your Rights materials (www.nyc.gov/site/immigrants/legal-resources/know-your-rights.page) and contact information for the Mayor's Office of Immigrant Affairs Legal Help Line (1-800-354-0365) after the interaction is over for free, confidential immigration legal information and referrals to legal service providers.