



ROBERT M. MORGENTHAU
DISTRICT ATTORNEY

Dear Friends,

Criminals often use residential and commercial buildings as sites for their illegal operations. Drug dealing, prostitution, and other illegal acts threaten the safety of law-abiding tenants and disrupt communities. Buildings with limited security tend to be most inviting for criminals, but no building is immune to crime. Through our Trespass Affidavit and Narcotics Eviction Programs, the Manhattan District Attorney's Office provides legal support, law enforcement oversight, and other services for buildings victimized by criminal trespassers and unlawful residents. No tenant or landlord should ever feel helpless against crime in his or her building.

Sincerely,

Robert M. Morgenthau

In buildings where illegal activity takes place (for example, drugs, prostitution, and gambling), residents commonly complain about the traffic of unknown individuals coming to and from their building. These strangers often loiter in and around apartment buildings, selling or using narcotics. Since 1991, the Manhattan District Attorney's Office and the New York City Police Department (NYPD) have collaborated to help landlords and tenants fight trespassing in the public areas of their buildings.

How the Trespass Affidavit Program Works

When complaints are received, the Community Affairs Unit of the District Attorney's Office meets with building owners and managers to request their participation in the Trespass Affidavit Program. Landlords or their agents are asked to sign a prepared affidavit, submit a current tenant list, and provide the local precinct with keys to their building. The owner or managing agent is given signs that must be posted outside the building to warn against trespassing. Local precinct officers are then permitted to patrol the building and arrest individuals who are not tenants or tenants' guests.

Highlights of the Program

More than 3,200 buildings are enrolled in the Trespass Affidavit Program. Hundreds of arrests have resulted from police patrols in participating buildings.

Joining the Program

Residents, landlords, block associations, and police officers can refer locations for inclusion in the Trespass Affidavit Program by contacting the Community Affairs Unit of the Manhattan District Attorney's Office at 212.335.9082.

Commercial buildings are vulnerable to burglars and larcenists, especially during evening and weekend hours, when the buildings are largely vacant. Intruders frequently hide in stairwells until they can secretly enter private office space, often then stealing property and fleeing undetected. Since 1997, the Manhattan District Attorney's Office and the NYPD have worked closely with commercial landlords, security, and tenants to combat trespassing in the public areas of their buildings.

How the Commercial Trespass Affidavit Program Works

When complaints are received, the NYPD and the Community Affairs Unit of the District Attorney's Office meet with building owners, managers, and security to request their participation in the Commercial Trespass Affidavit Program. Landlords or their agents are asked to sign a prepared affidavit, submit a current tenant list, and provide the local precinct with keys to their buildings. To warn against trespassing, signs must be posted in the lobby and on stairwell doors.

Tailoring the Program to Particular Needs

Based on the unique problems of each building, management determines when the building's stairwells are to be closed (except in emergency situations). This may encompass specific hours of the evening or weekend, or may be 24 hours a day, seven days a week. Anyone who enters the stairwells during the prohibited time period can be subject to arrest for trespassing.

Joining the Program

Tenants, landlords, security, and police officers can refer locations for enrollment in the Commercial Trespass Affidavit Program by contacting the Manhattan District Attorney's Community Affairs Unit at 212.335.9082.

There are roughly 30,000 narcotics arrests annually in Manhattan. In 1988, the Manhattan District Attorney's Office developed the Narcotics Eviction Program to solve drug problems in residential and commercial buildings. The program encourages landlords to cooperate with law enforcement agencies and law-abiding tenants in ridding their buildings of drug dealers.

Process for Identifying and Evicting Perpetrators

The program targets drug dealers for eviction by using a state civil statute, the Real Property Actions and Proceedings Law. Eviction proceedings also have been brought in cases of prostitution, gambling, firearms trafficking, fireworks distribution, fraudulent manufacture of goods, and fencing of stolen property.

Law enforcement is often alerted to problematic locations through anonymous tips from tenants and community residents. After investigation, the District Attorney's Office assists with the eviction process by providing necessary paperwork and arranging for police witnesses to testify at trial. The Office will also ensure that complaints about tenants in Housing Preservation and Development and New York City Housing Authority buildings are directed to the proper authorities.

Highlights of the Narcotics Eviction Program

- Since the program's inception, drug dealers and other illegal business operators have been removed from more than 6,200 locations.
- Cases move expeditiously through the court system, with the vast majority resulting in evictions.

For More Information

Please contact the Manhattan District Attorney's Community Affairs Unit at 212.335.9082 or Narcotics Eviction Program at 212.335.4370.

Trespass Affidavit and Narcotics Eviction Programs



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