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TO: Subscribers

SUGGESTED DISTRIBUTION: Commissioners; TA Directors; Housing/Homeless Services Directors

FROM: Cheryl Contento, Deputy Commissioner
Division of Shelter Oversight and Compliance

SUBJECT: Security Measures

EFFECTIVE DATE: Immediately

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I. Introduction

This GIS outlines the regulatory obligations of social service districts (SSDs) with respect to security plans for emergency shelters and serious incidents at emergency shelters for the homeless. SSDs have three main obligations under 18 NYCRR § 352.38.

- 1) SSDs must provide an overall plan for ensuring the physical safety of residents and staffs at all emergency shelters operating within the SSD.
- 2) SSDs will be required to submit a security plan for each facility in the SSD utilizing the OTDA Security Plan Assessment Form (**Attachment A**). After the plan is assessed by the SSD, the SSD must submit a copy of the approved plan and assessment of the plan done by the SSD.
- 3) Lastly, all SSDs are required to notify OTDA of all serious incidents that impact the safety and well-being of shelter residents or staff at emergency shelters using the OTDA Serious Incident Report Form (**Attachment B**).

For the purposes of this GIS, “emergency shelters” include any facility with overnight sleeping accommodations, the primary purpose of which is to provide temporary shelter to recipients of temporary housing assistance. Accordingly, 18 NYCRR § 352.38 does not apply to commercial hotels/motels used as temporary placements pursuant to 18 NYCRR § 352.3(e), where less than half of the facility is used to house recipients of temporary housing assistance. Requirements for these facilities are set forth in 18 NYCRR § 352.3(g)-(h).

The information in this GIS is not intended to conflict with information in previous transmittals of OTDA. This directive does not eliminate previously existing requirements of SSDs to provide security or document and report incidents. Rather, these

requirements enhance the ability of SSDs to ensure that reasonable safety measures at emergency shelters operating within the SSD are implemented to protect the physical safety of emergency shelter residents and staff. Listed below are the definitions, responsibilities and forms related to 18 NYCRR § 352.38.

II. Definitions

1) Facility-Specific Security Plan

A facility-specific Security Plan is prepared by the operator of an emergency shelter and describes the provision of security and the specific policies and procedures that have been established to help ensure the physical safety of residents and the staff of the emergency shelter. 18 NYCRR § 352.38(a).

2) SSD Security Plan

An SSD Security Plan is prepared by an SSD and describes generally the provision of security and the policies and procedures that the SSD has established to help ensure the physical safety of residents and staffs at all emergency shelters operating within the SSD. 18 NYCRR § 352.38(b).

3) Serious Incident

A serious incident is an incident that impacts the safety and well-being of any resident of an emergency shelter or member of the emergency shelter's staff, including, but not limited to: deaths by unnatural causes or suicides; life-threatening injuries including drug overdoses; assaults, rapes, sexual assaults, or attempted rapes or attempted sexual assaults; arrests for alleged child abuse; fires, disasters, or other events that cause evacuation of the building or injury to shelter residents; heating, water, and electrical system outages or failures of more than four hours in duration; discovery of any environmental hazard, such as lead paint or asbestos, that threatens resident health or well-being; incidents of domestic violence that result in injury of one or more residents; criminal activity on the part of emergency shelter staff, or any misconduct on the part of emergency shelter staff that results in harm to the residents or other staff members. 18 NYCRR § 352.38(c).

III. Security Plans

a. **Responsibilities Related to Security Plans**

1) Responsibilities of emergency shelter operators

On or before January 30, 2017 a security plan for each emergency shelter must be submitted to (i) the SSD in which the emergency shelter is located as well as (ii) the Division of Shelter Oversight and Compliance. An emergency shelter operator that operates an emergency shelter comprised of individual

apartment units within residential apartment buildings, and which is reimbursed on a per diem basis for providing emergency shelter to the recipients of temporary housing assistance that have been placed in the individual apartment units, may submit one security plan for the portfolio of individual apartment units that comprise the emergency shelter.

Security plans must be submitted annually using the OTDA Security Plan Assessment Form (Attachment A). 18 NYCRR § 352.38(a).

2) Responsibilities of SSDs

(a) The SSDs must assess the adequacy of each facility-specific security plan submitted by an emergency shelter operator. After a facility-specific security plan has been reviewed and approved by an SSD, the SSD must submit the approved security plan to the Division of Shelter Oversight and Compliance using the provided form (Security Plan Form - Attachment A). 18 NYCRR § 352.38(a).

(b) By January 30th of each year, each SSD must prepare and submit for the review and approval of the Division of Shelter Oversight and Compliance an SSD security plan that describes generally the provision of security, and the policies and procedures that the SSD has established to help ensure the physical safety of residents and staff at all emergency shelters operating within the SSD. The SSD security plan should be prepared using the provided form (Security Plan Form - Attachment A) and should address generally the items identified in 18 NYCRR § 352.38(a). 18 NYCRR § 352.38(b).

3) Responsibilities of the Division of Shelter Oversight and Compliance

The Division of Shelter Oversight and Compliance staff may review security plans submitted by emergency shelter operators. SSDs and emergency shelter operators may be contacted and asked to provide additional information where necessary.

Should the Division of Shelter Oversight and Compliance determine that a security plan submitted by an emergency shelter operator is inadequate, it may direct the SSD or the operator of the emergency shelter to take additional security measures, including but not limited to:

- directing the emergency shelter to deploy additional trained security staff;
- requiring the shelter to engage a qualified third party, who has been approved by OTDA, to evaluate the security measures employed by the facility;

- requiring the implementation of any or all recommendations made by the third party; or
- relocating resident(s) to another facility or emergency shelter.

b. Submissions

The Security Plan Form annexed as Attachment A is to be used by SSDs and emergency shelter operators to submit security plans to the Division of Shelter Oversight and Compliance. The purpose of this form is to ensure consistent application of standards and a consistent mode of communication.

IV. Serious Incidents and Security Incidents

a. Responsibilities Related to Serious Incidents

1) Responsibilities of Emergency Shelter Operators Faced with a Serious Incident

In the event of a serious incident as defined in Section II, above, the operator of a facility with overnight sleeping accommodations used to provide temporary shelter to recipients of temporary housing assistance, including any emergency shelter comprised of individual apartment units within residential apartment buildings for which the shelter operator is reimbursed on a per diem basis, must complete each of the following three (3) steps:

- (i) Immediately email both the SSD and the Division of Shelter Oversight and Compliance to report the serious incident. All reports of serious incidents to the Division of Shelter Oversight and Compliance should be sent to otda.sm.css.bss@otda.ny.gov. The name of the emergency shelter and the date of the serious incident should be in the subject line of the email. The body of the email shall include a brief description of the incident at issue and any follow-up actions taken by the shelter operator including contact with law enforcement.
- (ii) Report the serious incident by telephone to both the SSD and the Division of Shelter Oversight and Compliance within one (1) business day of the serious incident. The Division of Shelter Oversight and Compliance may be reached at: **212-961-8225** for emergency shelters located in New York City; and **518-486-4040** for emergency shelters located outside of New York City.
- (iii) Submit a copy of a completed OTDA Incident Report Form (Attachment B) to the Division of Shelter Oversight and Compliance within three business days of the serious incident. Each OTDA Incident Report Form should be completed in accordance to the instructions provided in Attachment B. The form may be submitted by email to otda.sm.css.bss@otda.ny.gov.

In the case of injury involving an emergency shelter resident, an emergency shelter operator should include with the completed OTDA Incident Report Form a written statement of the resident's version of events leading up to the relevant accident or incident. Where a resident objects or refuses to provide a statement, the shelter operator must document the objection or refusal. The resident's statement, or documentation of the resident's objection or refusal to provide a statement, should be submitted, together with the completed OTDA Incident Report Form, to the Division of Shelter Oversight and Compliance by e-mail sent to otda.sm.css.bss@otda.ny.gov.

Emergency shelter operators must maintain original signed copies of all OTDA incident reports submitted to the Division of Shelter Oversight and Compliance on the premises of the emergency shelter where the incident occurred.

2) Responsibilities of SSDs Receiving a Report of a Serious Incident

The SSD must review all serious incidents reported by emergency shelter operators and ensure that each incident is reported to the Division of Shelter Oversight and Compliance using the OTDA Incident Report Form. Each OTDA Incident Report Form should be completed according to the instructions provided in Attachment B.

3) Responsibilities of the Division of Shelter Oversight and Compliance Relating to a Reported Serious Incident

The Division of Shelter Oversight and Compliance will review each OTDA Incident Report Form submitted to ensure that the incident was appropriately handled and determine if additional follow up is needed. OTDA may contact the SSD and/or shelter to request additional information as needed.

The Division of Shelter Oversight and Compliance also will review the incident reports and determine if the incident involved or affected the security of the facility.

When a serious incident involved or affected the security of the facility, the Division of Shelter Oversight and Compliance may direct the SSD or the operator to take additional security measures, including but not limited to:

- directing the emergency shelter to deploy additional trained security staff or relocate resident(s) to another facility or emergency shelter;
- engaging a qualified third party, who has been approved by OTDA, to evaluate the security measures employed by the facility; and
- requiring the SSD to implement any or all of the recommendations made by the third party.

b. Submissions Related a Report of a Serious or Security Incident

The OTDA Serious Incident Report Form, annexed as Attachment B, must be used by SSDs and operators to report serious incidents, as defined in Section II, above, to the Division of Shelter Oversight and Compliance. This form must be used in order to facilitate and standardize documentation of serious incidents at emergency shelters across the state, and to ensure consistent application of standards.

V. Questions

Questions regarding this GIS may be directed to the Division of Shelter Oversight and Compliance, which may be contacted by telephone at **518-486-4040** or by e-mail at otda.sm.css.bss@otda.ny.gov.