

**DEP Policy on Implementation of Section 4-210 of the  
New York City Administrative Code (a/k/a Local Law 246)**

**Guidance for Security Guards and Reception  
Personnel at DEP Facilities and Agency Personnel  
Who Interface with Non-City Law Enforcement**

Section 4-210 of the New York City Administrative Code (“Section 4-210”), added by Local Law 246 of 2017, restricts access to non-public areas of DEP facilities within the City limits (i.e., the five boroughs) by “non-City law enforcement personnel.”<sup>1</sup>

Security guards and reception personnel at DEP facilities and DEP personnel (“Interfacing Personnel”), who encounter or interface with such non-City law enforcement personnel, must act in accordance with the following guidelines.

When Interfacing Personnel encounter non-City law enforcement personnel (referred to below as “Officer(s)”) seeking admittance to DEP facilities, such Interfacing Personnel shall:

- 1 Direct the Officer(s) to the facility’s reception area if there is one. Reception area staff or the person encountering the Officer(s) (if there is no reception area) should then ask such Officer(s) the purpose of their visit (to determine whether there is a legitimate agency purpose for the visit) and/or the names of the DEP staff they are here to see specifically and notify such staff. DEP staff will escort such Officer(s) who have business with DEP staff to the location of the meeting.
- 2 If the Officer(s) is not at the facility to see a specific DEP employee or does not otherwise have legitimate business with the agency, Interfacing Personnel should: (a) obtain the Officer’s identification (name and badge/ID) and business card(s); (b) determine the purpose of the visit; (c) ask for any relevant documentation (e.g., subpoena, warrant, accompanying affidavits, other documents); and (d) immediately notify (i) an attorney in DEP’s Bureau of Legal Affairs (“BLA”) who has been designated to receive such notification and (ii) DEP’s Director of Facilities Management and Construction (“FMC”), who has been designated as the individual at DEP responsible for implementation of Section 4-210 at DEP.
  - a. The Officer(s) should be asked to wait in the reception area while the receptionist receives instructions from BLA.

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<sup>1</sup> As used herein, “non-City law enforcement personnel” means governmental personnel who are empowered to enforce civil or criminal laws *other than* personnel of the City, the City Department of Education, or a local public benefit corporation or local public authority, such as the New York City Health and Hospitals Corporation, the New York City Housing Authority, the Port Authority, and the Metropolitan Transit Authority. The access restrictions of Section 4-210 discussed herein thus apply, for example, to personnel of federal and state law enforcement authorities but *not* to personnel from the NYPD or DEP police, Port Authority police or MTA police.

- b. BLA will review all documentation provided by the Officer(s) and make a determination about whether access is required by law, or otherwise permitted by Section 4-210.
- 3 Interfacing Personnel shall not consent to the Officer(s)' entry into a non-public area without first obtaining authorization from BLA to grant such access.
- 4 If the Officer(s) refuses to comply with any of the foregoing or insists on being admitted to a non-public area either without BLA authorization or before BLA authorization can be obtained, **Interfacing Personnel shall not use physical force against the Officer(s) or otherwise attempt to physically bar the Officer(s)'s entry into such non-public area.**
- 5 Deputy Commissioners may predesignate in writing specific routine interactions with inspectors and other Officers as furthering the purpose or mission of DEP, in which case access to non-public areas of DEP facilities may be granted to such inspectors and officers without first contacting BLA. Deputy Commissioners wishing to predesignate such interactions should contact BLA.
- 6 If further guidance is necessary in light of the particular circumstances, BLA will consult with the New York City Law Department.