



Best Practices For Law Enforcement Requests Concerning State-Aided Housing^[1] Programs

Local Housing Authority (LHA) employees may receive requests relating to state-aided public housing program residents and/or household visitors from law enforcement agencies at all levels of government. The Executive Office of Housing and Livable Communities ("EOHLC") issues these best practices to support LHAs in fulfilling their legal obligations, appropriately responding to law enforcement requests, and protecting the safety of residents, staff, and community members.

In general, staff should have a process to elevate requests from law enforcement to the appropriate highest-ranking on-site employee of the LHA. As detailed below, some law enforcement requests, including those involving an immediate safety threat or judicial warrant, should be complied with immediately, and some may need to be addressed in consultation with LHA executive staff and legal counsel.

- LHAs can and should call law enforcement to address safety concerns and should comply with law enforcement requests as necessary to address those concerns.
- In other cases, LHA residents may call law enforcement on their own. If law enforcement arrives at an LHA at the request of a resident, the LHA should notify the resident as quickly as possible and facilitate the resident's voluntary contact with law enforcement.
- If law enforcement presents a judicial warrant, issued by a state or federal judicial court and signed by a judge or magistrate, LHAs should comply with the terms of the warrant. LHAs should have a process to notify their executive staff and legal counsel of the judicial warrant as soon as possible that does not delay compliance with the judicial warrant. Because not all warrants are judicial warrants, LHAs may want to provide some reference materials or training for staff on how to recognize a judicial warrant.
- LHAs should comply with law enforcement requests as necessary to prevent immediate harm to their residents, staff, or community members.

- Other than in the circumstances detailed above, LHAs should allow law enforcement access to common areas of the housing authority to the same extent as members of the general public. Existing written policies should identify which areas of the property or development are open to the general public (*e.g.*, outside walkways) and which areas are open only to residents and staff (*e.g.*, office spaces, laundry rooms), including policies restricting visitors.
- LHAs are reminded of their obligations as holders of data and applicant information to maintain the confidentiality of protected personal information, including names, addresses, dates of birth, identification numbers, work or benefit information, etc. As a general rule, this information can only be released with the authorization of the data subject or with a judicial warrant which properly identifies the information requested. To protect against the inadvertent release of confidential data, LHAs should involve their executive staff and legal counsel if law enforcement makes a request for specific information verbally, in writing, or in a legal document.
- If law enforcement requests access to non-public areas of a state-aided development property when:
 - there is no immediate health or safety threat; AND
 - there is no request from a resident; AND
 - Law enforcement does not present a valid judicial warrant; THEN
 - LHAs should ask law enforcement not to access the non-public areas and immediately consult with their executive staff and legal counsel.
- If officers present a valid judicial warrant, LHA staff should contact their executive staff by phone but also comply with the terms of the judicial warrant as directed by the officer.
- LHA staff should *never* attempt to physically interfere with law enforcement.

If you have any questions about these best practices, please contact risk management specialist Sarah O’Leary by phone (857-262-1170) or by email (sarah.oleary@mass.gov).

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