

Case study on unauthorized entries into apartment building and the possible legal consequences – case from the apartment building on Stavbarska str.40, so called “Pentagon”

Prepared within SAFE LIVING RYS and DRUGSOUT projects
for Expert Team for Crime Prevention and Safe Living

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24.11.2009

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Unauthorised entries

One of the frequently discussed problems concerning the apartment buildings security is the significance of unauthorised entries from the criminal law perspective. Up until now, there is no specific definition of unauthorised entry into the apartment building in Slovak legal system causing a large security hole. Therefore, the crime prevention investments in apartment buildings become useless in many cases.

The apartment building and its peripheral boundaries are not defined by the law unlike the other forms of private ownership, e.g. family house, office building or industrial premises. The common shared areas in the apartment building such as the halls, stairways, lifts are frequently referred to areas accessible to the public, i.e. accessible to anybody who decides to enter the building.

The question is, if it is possible to consider for being accessible to the public also the common shared areas of apartment building which are secured by the owner or owners (in case of condominiums) who have decided to regulate the access into their building by means of technical equipment either mechanical or electronic, e.g. using access control system. This way they protect the building from the entries and presence of unauthorised individuals and proclaim the boundary of their private property which they do not want to make accessible to anyone but the authorised persons and legitimate visitors.

The residents - owners of such secured apartment buildings regard the unauthorised entry as any intentional entry without authorisation. It can be either a forced entry or sneaking into to the building usually passing by the authorised person. The owners are not sure what their rights are or what the law enforcement authorities' rights are in case of an unauthorised entry into common shared areas of the apartment building. The frequent questions are if the person who has entered the building without permission can be ordered to leave or be forced to leave the premises, how to regard the forcible opening of the main entrance door (kicking down a door, pulling or prying open a door) or any other forcible and damaging behaviour towards the residents/owners property this person commits in order to accomplish unauthorised entry.

Most common types of unauthorised entries:

A. - forced - intentional - causing damage to the property	B. - forced - intentional - without damage to the property	C. - intentional - entering the building by passing by the authorised person
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We will present frequently repeated ways of unauthorised entries on two cases from the apartment building situated in Bratislava on Stavbarska Street. The technical solution of entrance zone security in this apartment building is done in accordance with recommendations elaborated under SAFE LIVING RYS project. The main entrances are secured almost identically in most of the apartment buildings that implemented project solutions. There are approximately 1000 main entrances secured this way in Bratislava.

Apartment building Stavbarska no. 40 & 42

So called „Pentagon“ is an apartment building situated in Bratislava on Stavbarska street in city district Vrakuna. It is a prefab block of flats built in a shape similar to a pentagon, therefore the nickname.

It is a residential condominium building with two separate main entrances and 183 flats owned by the individual residents. The architectural design of each entrance enables to access the flats by entering the main entrance and then a person can proceed via two possible routes, either the stairways separated from the entrance hall by the door or the lifts situated in the entrance hall.

DrugsOut project has been implemented in this building since 2006. The main goal of the project is to tackle the criminal activities inside the building and its close neighbourhood, to help the residents to stop catastrophic development and to create positive, decent and sustainable living conditions. The technical solutions implemented in this apartment building, with respect to the financial and human resources enable to eliminate the growing number of unauthorised entries of individuals involved in illegal drugs distribution and use (drug related crimes are committed inside the apartments). The solutions also eliminate the illegal occupancy of the apartment building premises, e.g. by squatters or homeless, as well as to trace the sources of vandalism in shared common areas of the apartment building.

The technical conditions of the apartment building main entrances security in 2006 before the implementation of the DrugsOut project

There had been no fully functional and effective access control security in this building before the project begun. Although the main entrances were equipped with access control system using electronic iButton identification, there was zero protection of the premises. This system can provide sufficient level of security and identification of every authorised person entering the building if it is installed in standard conditions. The door structure of the main entrances in this particular apartment building was severely damaged by frequent ruthless physical attacks. The entrances were almost permanently open and the movement of people in and out of the building was uncontrollable.

Another failing in running the access control system at that time was incorrect handling of the user list. The identifiers were not assigned to individual apartment owners, the access control system register of identifiers/users was kept without apartment no., names or any other data indicating who the user is and the number of identifiers registered in the system was excessively larger compared to the actual number of registered residents. For these reasons, the access control system totally failed to provide its purpose and was not able to prevent the unauthorised entries.

One of the remaining fundamental problems of the technical level of security is non existing complex gate-to-apartment communication system. Such a system would provide communication with visitors at the gate, intercom communication, it would also provide control of system operation and how the system is used by individual users, e.g. releasing the main entrance door from the apartment would be electronically recorded into the system's event log. The project does not include this technical solution due to the limited recourses.

The security situation in the apartment building in 2006 before the implementation of the DrugsOut project

This apartment building had a long criminal history. More than 68% of the apartment owners are rent dodgers and the rent arrears for electricity, water, gas climbed up to 65.000 Eur in 2006. The economical problems of the building were affected by several factors, especially by the high and in the past deliberate concentration of inadapted individuals. The price of the flats in this apartment building was the lowest in the city so were the living conditions. The consequent result was even higher concentration of inadapted people and people with criminal background. There were 16 flats recognised by the police inside which the drugs were sold, in period of 8 months of 2006, over 180 crimes were committed in and around the building and 427 persons were taken in for questioning by the police.

The bad security situation in the apartment building had direct impact on the development of the social environment and cultural character of the neighbourhood. Catastrophic hygienic conditions brought a high risk of infections into the building. There were used condoms, used needles and human "products" that junkies or homeless left in the halls and stairways.

The basic technical features for securing the entrances into apartment building installed within the DrugsOut project

A new access control system has been installed in the apartment building, creating several security zones with event log recording every entry and exit. A special surveillance room has been built to provide remote control and also to keep some of the technical tools and devices here. Also a special protected area has been created with post boxes in order to provide safe conditions for mail delivery.

The main entrances have been renovated and new doors to the stairways installed, equipped with electromagnetic locks to suit the heavy traffic. To control the movement of people in the 4 elevators a lift control system has been installed to enable only identifier holders to operate the lift. A door communication system has been installed but not in the apartments, only for communication between the surveillance room and the entrances area (main entrance, entrance to stairways). The surveillance system with several camera points has been set up to monitor main entrances, stairways door, surveillance room and special protected area.

Routes towards the apartments

The person can get towards the apartments area only passing through several security zones. The first zone is created at the main entrance. Then the person can continue either using the stairways or lifts. Both routes are secured and require the use of electronic identifier - iButton. The stairways door is secured the similar way as the main entrance and the person needs identifier for entry and exit as well. The residents must come downstairs to the main entrance to pick up and see out their visitors in this kind of access control system.

Case no. 1

First case happened on 3rd November 2009 at 21.57 h and the action was recorded by surveillance systems installed in the apartment building Stavbarska 40, Bratislava and the date record was made in the even log of the access control system.

The offender opened the door deliberately and forcefully at 21.57 h, he pulled the door out. The second door was opened by damaging the wire installation – cut the wires that powered the electromagnetic locks. The wires were covered in the conduit installed on the surface. Opening the conduit the wires became unprotected and easily damaged. By chance, the offender disconnected the electromagnets on the door on the first attempt. The door are secured by electromagnets because these type of locks are suitable for heavy duty traffic and also they satisfy the emergency exit regulation – in case of emergency when the power is off, the door are immediately released. The offender misused this technical feature of the system.

There was another person present with the offender. This person passively watched his actions. After releasing the stairway door, the offender enabled another person to exit the building and yet again forcibly opened the main entrance, this time by kicking the door open. The woman leaving the building was probably also unauthorised person without electronic identifier because she was waiting behind the second security zone.

The whole access control system, the construction of the door and the method of electromagnetic locks installation was design to withstand the harsh physical attacks and in case of forcible overcoming of the magnets' holding force the construction of the door and the magnets themselves are not damaged.

This is the reason why offender did not cause material damaged, and the damage on the wires cause only low repair costs consisting of putting the system back into operation and making the wire installation more resistant to mishandling. In this case the offender did not cause any situation that would endanger the life and health of the residents.

See the photo case study: Case no. 1

Case no. 2

First case happened on 10th of November 2009 at 23.24 h and the action was recorded by surveillance systems installed in the apartment building Stavbarska 40, Bratislava and the date record was made in the even log of the access control system.

The offender is the same person as in the case no. The offender opened the door deliberately and forcefully using some tools, possibly a large screw driver. He pried the door open. The second door was open by damaging the wire installation – he cut several wires. Due to the previous case of damage (dated 3/11/2009) the wires were placed into the flush conduit covered with layer roughcast for a better protection. The offender dug hole in the wall cast using the screwdriver, found the wires and damaged them. The cut wires were used for data transfer from operating unit (access control) to electronic identifier reader (for verification of authorised access). The door was not released when the wire was disconnected, instead of that it caused dysfunction of the whole access control system. One of the incoming residents at that time, wanted to use the electronic identifier but the system did not react and the door remained closed. The offender decided to carry on in his actions and damaged more wires until the electromagnets were disconnected and the door released. He caused the short connection in the wire installation what damaged the PCB of the operating unit and the power supply. The cost of this damage was 132 EUR including the replacement of the damaged operating unit, power supply and repair works on installation and wall.

There was another person watching the offender's actions in the entrance hall. This person used the situation for an unauthorised entry. The offender caused the warning signalling to go off. The resident that entered the apartment building at the time of the attack kept waiting astonished in the entrance hall for a while. Despite he was the eye witness of this actions he did not report it to the building manager or to the police.

The actions were eventually reported to building manager by another resident, consequently the owners committee filed a complaint with the police (at the local police department) on 12th of November 2009 at 9 a.m. under File no. ORP-4491. More evidence concerning this case was provided to the police on 18th of November 2009.

See the photo case study: Case no. 2

What can be the sanctions for person entering the apartment building without permission or forcibly?

The damage costs in both cases were very low, but the important fact is that the offender entered the apartment building forcibly, he had to overcome several secured doors and with his actions, he decreased the security of the whole building and residents' safety and the disabled the use of access control.

1. What are the sanctions in case of the unauthorised entry into the apartment building?
2. How can be the forcible opening of the door (kicking, prying, pulling ...) characterised in legal terms?
3. What are the sanctions for person who is watching such actions, or misuse such actions for the unauthorised entry into apartment building.
4. What authority has the police in case of an unauthorised entry into apartment building?
5. What can the legitimate resident do when he/she recognises that there is case of an unauthorised entry in the apartment building?
6. Is it correct to refer the common areas of an apartment building to areas accessible to the public similar to public buildings, schools, hospitals, sports and cultural centres etc.?
7. If the common areas of apartment buildings are accessible to public, just like it is in the buildings mentioned in the previous question, why do these buildings, unlike apartment buildings, fall under more strict security and unauthorised entry prevention? Why is the unauthorised entry into the apartment building judged differently, even when the apartment building is secured with sufficient technical security measures? Measure which clearly mark the private property and signify to every person that the main entrances are the boundaries of this private property.
8. Does the legislation define what type of area are the common areas of the apartment building when the building is private property of one owner, residents, city etc.?

Appendix:

- photo case study „ Case no. 1“
- photo case study „ Case no. 2“