PRINCE WILLIAM COUNTY POLICE DEPARTMENT MANUAL OF GENERAL ORDERS			
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CALLS FOR SERVICE: TRESPASSING ENFORCEMENT PROGRAM

County Code authorizes the owners of residential properties to designate the Police Department to act on their behalf for the purposes of enforcing trespassing laws. The ordinance, and accompanying program, is designed to benefit those problematic residential communities that have historically been plagued by quality of life-related issues. The program, among other things, allows members to serve notices against trespassing, initiate criminal process against violators, and testify in court as an agent of the property owner.

A. Request Process

1. The owner/manager of any real property used for residential purposes within the County (exclusive of any incorporated towns), must submit the following completed/executed documents to the Office of the Chief of Police for consideration:

   a. "Application for Police Enforcement of Trespassing Laws on Private Property" (PD – 224).

   b. "Limited Power of Attorney" (PD-225). This form must be duly notarized. If the property owner is an individual, no further documentation is required. If, however, the property in question is owned by a commercial entity or a community association, a letter confirming that the principals of the property in question (resolution by the homeowner's association board of directors, etc.) have authorized the person to submit the request on their behalf is also required.

2. The application will be forwarded to the respective District Commander for consideration.

3. The District Commander, or his/her designate, should consider the following factors:

   a. Call history within the property. Calls for Service (CFS) data should reflect a minimum combined total of twelve (12) "quality of life" related incidents over a twelve-month period. For the purposes of this analysis, CFS involving trespassing, loitering, noise violations, alcohol violations, suspicious persons, suspicious vehicles, firearms violations, prowlers, and drug activity are considered "quality of life" offenses.

4. The decision to accept or deny a property owner's/manager's request is delegated to the District Commander, subject to review and appeal by the Chief of Police.

5. The District Commander will cause a letter to be sent to the property owner/manager notifying them whether their request has been accepted or denied. A copy will be forwarded to the Chief's Office.

6. All associated paperwork will be retained by the respective District Commander for filing purposes.

B. Departmental Filing Process

1. Each District Commander shall designate a member as the "Trespassing Coordinator" for their District.

2. The Coordinator will be responsible for the following:

   a. Ensuring the following files are maintained: (the actual filing process is the responsibility of the District Administrative Support Assistant):

      1) A master file for each participating property. This file will contain the original "Application for Police Enforcement of Trespassing Laws on Private Property" and "Limited Power of Attorney" forms. This file will be securely maintained. Attested copies of the original forms should be made available in non-secured files for access by other members as needed for court.

      2) Run periodic checks to identify "Notice Against Trespassing (PD-226)" entries that need to be updated as expired, and identify locations frequently noted in the "Other" field in RMS that should be added to the drop-down list.

      3) Updated lists of participating communities will be made available via the Department's intranet for access by all members. This list will contain the name of the property/community, property owner's/manager's contact information, date the agreement expires, and names of the included streets. The Coordinator will notify ITMB of any additions to the valid communities to ensure they are made available in the dropdowns in RMS.

   b. Serving as the liaison between the property owner/manager and the Department.

   c. Routing a copy of any issued "Notice Against Trespassing" to the affected property owner/manager.

   d. Initiating and facilitating the notification process when the agreement has expired or is otherwise cancelled. See section E below regarding Expiration and Cancellation of Enforcement Agreement.

C. Enforcement Policy

1. This policy is governed by Sections 16-41.1 through 16-41.4 of the Prince William County Code. Members should refer to the full text of the ordinances for enforcement purposes.

2. Members will make every reasonable effort to serve a "Notice Against Trespassing (PD-226)" on any individual whom the property owner/manager requests be barred from the premises when encountered on or near the property. The method by which the property

owner makes the request (e.g., either in writing or verbally) to the Department must be noted on the notice.

3. Members may serve "Notices Against Trespassing" on persons encountered on a participating property when the person is present with no common lawful purpose. When possible, the individual should be photographed at the time of service (they cannot be forced to submit to being photographed). A complete description is essential for future identification. Once served, the member will enter the data from the form (and any photo taken) into the Trespass Notice module in RMS and scan the original copy of the document to the case folder as a PDF attachment named "Trespass Notice – *Last Name, First Name*" to differentiate between multiple notices that can be in a case folder. This scanned copy will now serve as the original document for prosecution purposes. The original forms and any copies will then be given to the District's Trespassing Program Coordinator to ensure copies are provided to the property owner/manager as described above.

4. Enforcement action may be taken against individuals found to be trespassing on participating properties that are properly posted without the need to have been personally barred.

5. If the property is not properly posted, members shall ensure that a particular individual has been barred from a participating property prior to initiating any criminal process.

   Field inquiries, to determine whether or not a particular individual has been barred from a location, may be made through the Department's records management system. This may be conducted by searching the Trespass Notice module directly, or by searching in Master People. If an individual has an active "Notice Against Trespass," it will indicate a status of "Active" in the search results in the Trespass Module, and will indicate an alert in the Master People module. Enforcement action cannot be taken solely based on an alert or indication of an active "Notice Against Trespassing" in RMS. The member must further corroborate the validity of the barred status before initiating criminal process by verifying the information on the scanned copy of "Notice Against Trespassing".

6. The fact an individual has been or has not been barred from a participating property does not remove an officer's ordinary discretion in the determination as to whether or not he/she elects to initiate any criminal process. The overall crime situation in the affected community, balanced against the individual circumstances, should be factored into the decision-making process.

7. Members will obtain attested copies of those documents outlined in sections A-1-a & b, as well as the "Notice Against Trespassing" served on the individual, for court purposes. The original or attested copy of the "Notice Against Trespassing", properly executed and signed by the individual at the time that he/she was served, should suffice in court for establishing that he/she had been notified.

8. The "Notice Against Trespassing" can also be utilized at the direct request of an on-scene property owner or manager who does not participate in the Trespassing Enforcement Program to issue notice in lieu of the Magistrate issued "Notice – Forbidding Trespass (Form

103). Members should provide information regarding the Trespassing Enforcement Program to property owners or managers of non-participating locations where repeated notices are issued. Only department-served "Notice Against Trespassing (PD-226)" forms will be entered into the Records Management System. Magistrate issued "Notice – Forbidding Trespass (Form 103)" will not be entered.

9. The "Notice Against Trespassing" shall be valid for 10 years from the date of service. All old versions of the PD-226 without this language will be enforced 10 years from the date of service, at which point a new Notice Against Trespass should be served if the circumstances warrant.

D. Owner/Manager Removal of Barred Status

1. As per Section 16-41.4 of the Prince William County Code, the property owner/manager may rescind any "Notice Against Trespassing" issued.

2. The property owner/manager must first, however, notify the Chief of Police, in writing, as per Section 16-41.4 of the Prince William County Code. The Office of the Chief of Police will route these notifications to the Trespassing Program Coordinator of the affected district.

3. When a property owner/manager rescinds the barred status of any person, the Trespassing Program Coordinator in the relevant district will update the Trespass Notice record in the Department's records management system as soon as possible to reflect the notice status as "Rescinded" and scan a copy of the written rescindment into the case folder as a PDF attachment titled "Trespass Rescindment - *Last Name, First Name*.".

E. Expiration and Cancellation of Enforcement Agreement

1. As per Section 16-41.3 of the Prince William County Code, the Chief of Police may rescind acceptance of a property owner's / manager's request to participate in the Trespassing Enforcement Program at any time. Should a District Commander have cause to seek cancellation for a participating property, he/she shall notify the Chief of Police.

2. When such cancellations are made, the Chief of Police will notify the property owner and the affected District Commander in writing. The Trespassing Program Coordinator will delete all pertinent information from the program database. Once cancelled, trespassing enforcement within the affected community will be governed by Section 16-40 and Section 16-41 of the Prince William County Code.

3. Agreements expire three years from the date of the applicant's signature on the Limited Power of Attorney. A notice of cancellation will be submitted in accordance with County Code 16-41.3, and will include the reason for the cancellation and procedures for submitting a new application. The District's Program Coordinator may make the notification with a letter approved and signed by the Chief of Police for this purpose.