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1. **BURGLARY** - The following Arizona burglary statutes are found in [Arizona Revised Statutes \(ARS\), Title 13, Chapter 15](#):


<b>A. Possession of Burglary Tools</b> <a href="#">ARS 13-1505</a>	<ul style="list-style-type: none"> <li>• A person commits possession of burglary tools by possessing any explosives, tool, instrument, or other article adapted or commonly used for committing any form of burglary as defined in ARS 13-1506, 13-1507, and 13-1508, and intending to use or permit the use of such an item in the commission of a burglary.</li> <li>• Class 6 felony</li> </ul>
<b>B. Burglary in the Third Degree</b> <a href="#">ARS 13-1506</a>	<ul style="list-style-type: none"> <li>• A person commits burglary in the third degree by entering or remaining unlawfully in or on a <b>nonresidential structure or in a fenced commercial or residential yard</b> with the intent to commit any theft or any felony therein.</li> <li>• Class 4 felony</li> </ul>
<b>C. Burglary in the Second Degree</b> <a href="#">ARS 13-1507</a>	<ul style="list-style-type: none"> <li>• A person commits burglary in the second degree by entering or remaining unlawfully in or on a <b>residential structure</b> with the intent to commit any theft or any felony therein.</li> <li>• Class 3 felony</li> </ul>
<b>D. Burglary in the First Degree</b> <a href="#">ARS 13-1508</a>	<ul style="list-style-type: none"> <li>• A person commits burglary in the first degree if such person or an accomplice violated the provisions of either section ARS 13-1506 or ARS 13-1507, and knowingly possesses explosives, a deadly weapon, or a dangerous instrument in the course of committing any theft or any felony.</li> <li>• Burglary in the first degree of a nonresidential structure or a fenced commercial or residential yard is a class 3 felony.</li> <li>• Burglary in the first degree of a residential structure is a class 2 felony.</li> </ul>

2. **BURGLARY NOTIFICATIONS**

- A. Officers will notify their supervisor when the loss from a burglary involves an unusually high dollar value or when any other extraordinary circumstances exist.
  - (1) During normal business hours, the supervisor will contact a Property Crimes Bureau (PCB) detective after determining the investigation would benefit from a PCB detective assuming or assisting in the initial investigation.
  - (2) After business hours, the Communications Bureau may be contacted for assistance in contacting PCB detectives.
  - (3) As soon as possible after the apprehension of a burglary suspect, supervisors will determine if a PCB detective should be advised.
- B. Officers who respond to a call of a theft, burglary, or robbery at a retail business or pawn shop, in which firearms have been taken, contact the VCB desk sergeant to obtain the on-call Crime Gun Intelligence Unit (CGIU) Supervisor. Once notified CGIU personnel will notify the Bureau of Alcohol Tobacco and Firearms (ATF) immediately and coordinate a response, when necessary.
  - ATF requests that crime scene processing be suspended until an ATF agent arrives to participate jointly in the investigation.

3. **BURGLARY REPORTS**

- A. Hotel and lodging houses will be considered single units; however, when a series of burglaries occur at the same approximate time and are apparently committed by the same suspect, only one Case Report (CR) will be completed.
- B. In offices where occupants do not share space and are not related in a business manner, each office entry will require a separate
- C. Apartments will be considered separate units, and each entry will require a separate

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3. D. Commercial yards must be completely enclosed and meet the Title 13, Chapter 15 definition.

4. **SAFE BURGLARY**

A. Patrol officers will normally conduct the initial investigation on safe burglaries when any of the following thefts have occurred:

- (1) Safe was left unlocked
- (2) Safe was on day-lock
- (3) Entry was made into a combination-lock filing cabinet that is not classified as fire or tool resistant.


B. PCB detectives will investigate all other safe burglaries.

- (1) During normal business hours, patrol supervisors will contact PCB to request detectives to assume the initial investigation.
- (2) After normal business hours, the Communications Bureau may be contacted for assistance in contacting PCB detectives.

C. Documentation - A CR will be completed for all safe burglaries.

5. **TRESPASSING** - The following trespassing statutes are found in [ARS Title 13, Chapter 15](#):

<b>A. Criminal Trespass in the Third Degree</b> <a href="#">ARS 13-1502</a>	<p>A person commits criminal trespass in the third degree by:</p> <ul style="list-style-type: none"> <li>• Knowingly entering or remaining unlawfully on any real property after a reasonable request to leave by a law enforcement officer, the owner, or any other person having lawful control over such property, or reasonable notice prohibiting entry.</li> <li>* A request to leave by a law enforcement officer acting at the request of the owner of the property or any other person having lawful control over the property has the same legal effect as a request made by the property owner or other person having lawful control of the property.</li> <li>• Knowingly entering or remaining unlawfully on the right-of-way for tracks, or the storage or switching yards or rolling stock of a railroad company.</li> <li>• Class 3 misdemeanor</li> </ul>
<b>B. Criminal Trespass in the Second Degree</b> <a href="#">ARS 13-1503</a>	<ul style="list-style-type: none"> <li>• A person commits criminal trespass in the second degree by knowingly entering or remaining unlawfully in or on any nonresidential structure or in any fenced commercial yard.</li> <li>• Class 2 misdemeanor</li> </ul>
<b>C. Criminal Trespass in the First Degree</b> <a href="#">ARS 13-1504</a>	<p>A person commits criminal trespass in the first degree by:</p> <ul style="list-style-type: none"> <li>• Knowingly entering or remaining unlawfully in or on a residential structure (class 6 felony).</li> <li>• Knowingly entering or remaining unlawfully in a fenced residential yard (class 1 misdemeanor).</li> <li>• Knowingly entering any residential yard and, without lawful authority, looking into the residential structure thereon in reckless disregard of infringing on the inhabitant's right of privacy (class 1 misdemeanor).</li> <li>• Knowingly entering unlawfully on real property subject to a valid mineral claim or lease with the intent to hold, work, take, or explore for minerals on such claim or lease (class 1 misdemeanor).</li> <li>• Knowingly entering or remaining unlawfully on the property of another and burning, defacing, mutilating, or otherwise desecrating a religious symbol or other religious property of another without the express permission of the owner of the property (class 6 felony).</li> </ul>


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5. D. Trespassing - ARS 13-1502, 13-1503, and 13-1504

- (1) When the violation occurs on private property that is posted “No Trespassing” or property that is posted “High Voltage” or “High Pressure”, pursuant to [ARS 13-1501.1](#), the complainant or victim does not need to be present if an Authority to Arrest Trespassers Form 80-570D is on file with the affected precinct.
- (2) The owner/agent must post “No Trespassing” signs in conspicuous locations on the property.
  - The signs must be in English/Spanish and have the ARS codes printed on them.
- (3) Officers must indicate in the CR the location/s of the “No Trespassing” signs and their visibility from each entrance.
- (4) Authority to Arrest Trespassers Form
  - (a) The Authority to Arrest Trespassers form applies to businesses, vacant residences, or lots, etc., who have requested police to enforce trespassing statutes on their property without the owner/agent’s presence.

**NOTE:** The Authority to Arrest Trespassers form may **only** be used when the owner/agent of the property is not present. If the owner/agent is present, it is their responsibility to request the subject to leave or request an officer to request the subject to leave the property.
  - (b) The form must be completed and on file with the affected precinct.
  - (c) Once the form is on file, officers may enforce the appropriate trespassing codes on the affected property without the presence of the property owner/agent for one year from the date of signature on the form.
  - (d) Officers must indicate in the CR if the arrest is made based on the Authority to Arrest Trespassers form **and** where the form is on file.
    - Officers must also make a copy of the Authority to Arrest Trespassers form which will be scanned, added to the Case Folder as an “Attachment”, and then impounded as Evidence.
- (5) When an officer is on scene and verifies a subject was given a reasonable request to leave the property (“trespassed”) by an owner/agent or the officer, and the subject refuses to leave, the officer may arrest the subject for trespassing.
  - (a) Detention
    - (i) Officers may detain a subject who refuses to leave property **after** the property owner/agent (authorized representative) or an officer requested the person to leave the property.

**NOTE:** If the owner/agent does not want to prosecute and the subject agrees to leave when the officer makes contact, officers will not detain the subject solely for the purpose of gathering the subject’s identifying information to document the subject was “trespassed”.
    - (ii) If the officer has only detained a subject based on reasonable suspicion and the subject is not arrested, the only information the officer may require is the subject’s full true name (ARS 13-2412).

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5. D. (5) (a) (iii) If the officer has reasonable suspicion to detain the subject, the officer will complete an Officer Report Trespass Warning to document the subject was trespassed.

(b) Arrest

(i) Officers may arrest a subject who refuses to leave property **after** the property owner/agent (authorized representative) or an officer requested the person to leave the property.

**NOTE:** Officers must verify the owner/agent does want to prosecute for trespassing or has a valid Authority to Arrest form on file.

(ii) If the officer has probable cause to arrest the subject, the officer will complete a CR to document the arrest.

(iii) Searching subjects under arrest – refer to [Operations Order 1.8.00, Search and Seizure](#).

(c) Officers will ensure the following is documented in the CR/Officer Report Trespass Warning:

- The subject's full name and physical description
- The requestor's full name and address
- The requestor has the "authority to trespass" (owner of the property or any other person having lawful control over the property)

(d) Officers will complete a Phoenix Police Department Trespass Card Form 80-592D and give it to the owner/agent as a reference that the subject was "trespassed" from the property.

**NOTE:** **DO NOT** list the subject's date of birth on the card.

E. Trespassing in the Salt River Project (SRP) Canal System - [ARS 13-1502](#)

(1) SRP allows the public to use canal rights-of-way for hiking, horseback riding, fishing, farming operations, and any other uses authorized by a permit or license.


(2) Unauthorized activities include swimming, water skiing, surf boarding, criminal damage, interference with irrigation control structures, loitering, and unauthorized vehicular traffic; violators will be considered trespassers.

(3) Enforcement Procedures for Trespassing on the SRP Canal System

(a) Officers may warn and release violators for swimming, skiing, surf boarding, loitering, and unauthorized vehicular traffic. An Officer Report Trespass Warning will be completed.

(b) Officers may issue an Arizona Traffic Ticket and Complaint (ATTC) or release the suspect, and complete a CR for the following violations:

- Dumping trash, garbage, or debris
- Interfering with irrigation control structures
- Interfering with the operation or maintenance of the irrigation system

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5. F. Trespassing in the First Degree - [ARS 13-1504](#)

- When the residential structure is vacant, the charge will be designated a class 1 misdemeanor if the offender is eligible for reduced prosecution.
  - \* Refer to [Operations Order 1.9.00, Arrest](#), for reduced prosecution offenses and guidelines.

Last Organizational Review: