

THE RALEIGH POLICE DEPARTMENT

1109-24

RESPONSE TO TRESPASSING COMPLAINTS

PURPOSE

To provide guidelines for handling complaints of trespassing.

VALUES REFLECTED

This directive reflects our values of *Service and Fairness*. We strive to treat people with dignity and respect while ensuring that we employ the best available practice. These guidelines will help us protect the rights of both parties who may be in conflict.

UNITS AFFECTED

All Personnel
Emergency Communications Center

REFERENCES/FORMS

G.S. 14-159.13 "Second Degree Trespass"
"Trespass Form", Raleigh Police Department

May be Released to the Public

Effective Date: 09-12-22
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Chief of Police

Supersedes: 05-12-14
Approved By: M. Adams-David
City Manager

GENERAL POLICIES

Trespassers are often notified in the presence of an officer not to return to a specific premise. The trespasser may later return to the premise when the original witnessing officer is unavailable to verify the trespass notification. A trespass form has been designed to record and verify a trespass notification.

TRESPASSING

Only the owner of a premises or person acting under the authority of the owner of a premises is vested with authority to invoke the trespassing laws. Officers may not assume such authority on their own. Officers cannot be so authorized by an off-duty employer.

An officer witnessing a trespass notification should complete a trespass form, have the complainant sign the form, and advise the complainant that his/her presence in court will be required if a trespass arrest is made later.

Officers must properly identify the person who is trespassing by name, age, sex, race, and other available descriptors. Officers may verify a previous trespass warning by contacting the Police District Front Desk or by searching the Trespass file on RPDNet.

The person being given the trespass warning should be asked to sign the form, but they cannot be required to do so. The refusal to sign shall be documented by the officer on the trespassing form signature line.

The original will be forwarded to and submitted to the issuing officers Police District Front Desk. The District Desk Officer shall enter the form into the Trespassing file then forward the form to records for storage. The complainant will be given the second copy of the trespass form to retain as verification that a subject has been given a previous trespass warning. The third copy of the form should be retained by the responding officer.

If an arrest for trespassing is made the arresting officer must list the original complainant, who signed the trespass notification, as a witness on the arrest warrant so that the original complainant will be subpoenaed to court.

The intent of the above procedure is to assist businesses or agencies protected by G.S. 14-159.13 "Second Degree Trespass." This procedure does not replace or invalidate protective orders that are available under Chapter 50B (refer to DOI 1109-14 "Domestic and Family Violence").