15.270 – Trespass Warning Program

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15.270-POL

This policy applies when a sworn employee enforces the criminal trespass law through the Trespass Warning Program.

1. The Trespass Warning Program Does Not Replace Law

Sworn employees may arrest for violations of SMC 12A.08.040 (Criminal Trespass) on private property regardless of the existence of a trespass warning agreement between the department and the proprietor.

2. Definitions

For the purposes of this policy, the following definitions apply:

Proprietor: the term proprietor includes the owner or operator of a business or property, and anyone delegated the authority to revoke an individual's permission to enter or remain on the property.

Trespass Admonishment: a Trespass Admonishment (Form 5.34.1) is issued by SPD sworn employees pursuant to a Trespass Warning & Enforcement Authorization.

Trespass Warning Program: the system that allows SPD sworn employees to proactively issue conditions-based Trespass Warnings. The program's three (3) components are the Trespass Warning & Enforcement Authorization, the "Conditions of Entry" signage, and the Trespass Admonishment.

3. Trespass Admonishment

A trespass admonishment is initiated by a proprietor. It revokes the permission for a specific individual to enter onto or remain on the property for any purpose. A proprietor may ask for SPD assistance in delivering the admonishment, but it must be initiated by the proprietor and not the sworn employee. A trespass admonishment may be issued outside of the Trespass Warning Program at the request of a proprietor at the location of the trespass.

4. Proprietors Must Sign Up for the Trespass Warning Program Individually

To enter the program, each proprietor must complete one of the following:

- Email a request to either of the following email addresses:
  - NPrecinctTrespassProgram@seattle.gov
  - WPrecinctTrespassProgram@seattle.gov
  - SPrecinctTrespassProgram@seattle.gov
  - EPrecintTrespassProgram@seattle.gov
  - SWPrecinctTrespassProgram@seattle.gov
- A proprietor requests and/or flags down a sworn employee to request to participate in the Trespass Warning Program.
- A proprietor contacts a precinct liaison, to request to participate in the Trespass Warning Program.

All requests received by email, officers and/or precinct liaisons will be forwarded to that Precinct's Operations Lieutenant for review and then forwarded to the appropriate precinct or Sector Sergeant for assignment to one of their officers.

Once a department representative is assigned, they will contact the proprietor and confirm they have the authority to trespass people from the business and/or location. The department representative will have the proprietor review, complete and sign the Trespass Warning & Enforcement Authorization form (Form 5.34).

Each authorization will apply to the single listed address. The department will not complete group trespass authorizations.

5. Common Areas are Covered Under Separate Authorizations

On properties that have multiple businesses, such as strip malls, the individual business authorization may not include the common areas of the property, such as parking lots. The proprietor may cover those areas in a separate trespass authorization.

The proprietor may not restrict people from visiting individual businesses on the property under the authorization covering the common areas.

6. Proprietors Must Display "Conditions of Entry" Signs

It is the proprietor's responsibility to obtain and conspicuously display the required "Conditions of Entry" signs. The signs must conform in format and language as shown on the City's website.

The manner of display is covered in the signed authorization. Sworn employees have the discretion to determine if the proprietor has displayed the signs in a manner that meets those requirements.

7. Sworn Employees May Proactively Issue Written Warnings Under the Trespass Warning Program

Sworn employees may initiate contact and issue a Trespass Admonishment for conduct occurring on private property (see 15.270-PRO-3).

All of the following must be present:

- A person is on private property that has a current Trespass Warning & Enforcement Authorization on file, and
- Conditions of Entry signs are posted, and
- The person is engaged in behavior prohibited by the posted signs.

8. Sworn Employees May Arrest Based on Previous Trespass Warnings

Sworn employees may initiate contact and arrest a person for criminal trespass under the Trespass Warning Program if all of the following requirements are met:

- The person is on a property that has a current Trespass Warning & Enforcement Authorization, and
- The person is engaged in prohibited behavior, and
- The person has been given a Trespass Warning so that a (TW) Field Contact Report appears in Mark43 for that individual for that location.

9. Proprietors May Revoke Authorizations or Individual Warnings

The proprietor may revoke the entire authorization or any individual Trespass Warning at any time and for any reason. The proprietor may do so by providing notice to SPD through the email addresses provided, by mail, or in person (see 15.270-PRO-2).

Under the program, the proprietor may also instruct SPD not to issue a Trespass Admonishment to an individual.

15.270-PRO-1 Setting Up the Trespass Warning & Enforcement Authorization

Proprietor

1. **Contacts** the department in person or by email.

Department Representative

2. **Forwards** the request to that Precinct's Operations Lieutenant.

Operations Lieutenant

3. **Reviews** the request.

4. **Forwards** request to the appropriate Department Representative.

Department Representative

5. **Responds** to the business location.

6. **Contacts** the proprietor with a Trespass Warning & Enforcement Authorization form (Form 5.34).

Proprietor

7. **Completes** a Trespass Warning & Enforcement Authorization form (Form 5.34) and returns it to the Department Representative.

8. **Obtains** "Conditions of Entry" sign(s) that must be conspicuously posted on the property.

9. **Displays** Conditions of Entry Sign.

Department Representative

10. **Forwards** the authorization through department mail to the DATA Center.

DATA Center

11. **Makes** a copy of the authorization.

12. **Sends** the original authorization to Records.

Records

13. **Files** the original authorization.

DATA

14. **Files** the copy of the authorization for later verification by officers.

15. **Enters** the information into the Trespass Warning Program Master List located on the Data Governance SharePoint Trespass Warning Program.

15.270-PRO-2 Revoking the Trespass Authorization or Individual Warnings

Proprietor

1. **Contacts** the precinct by email, mail, or in person, and informs them of the desire to remove the entire authorization or an individual Trespass Warning.

SPD Representative

2. **Verifies** by email or written documentation that the proprietor wants the authorization or individual warning revoked.

3. If an entire trespass agreement is revoked, **coordinates** with precinct command to notify the precinct sworn employees of the change.

4. **Arranges** for the request to be sent to the DATA.

DATA

5. **Removes** the copy of the Trespass Warning & Enforcement Authorization.

15.270-PRO-3 Issuing a Trespass Warning Per the Trespass Warning Program

Sworn Employee

1. **Observes** a subject violating conditions of entry on a property participating in the Trespass Warning Program.

2. **Contacts** the individual to explain the prohibited behavior and point out the posted sign.

3. **Verifies** with the DATA or in the Trespass Warning Program Master List located on the Data Governance SharePoint Trespass Warning Program that the Trespass Warning & Enforcement Authorization is current.

4. **Completes** a Mark43 Field Contact report with "Trespass Warning" as the type of contact.

   - Lists the business as the "Organization."

- Lists the subject as the "Subject."

- Lists the person who signed the Trespass Warning & Enforcement Authorization form (Form 5.34). contract as "Other involved party."

5. **Includes** the following in the narrative:

   - Name of subject

   - The reason for the contact was explained to the subject

   - The "Conditions of Entry" signs were visible and pointed out to the subject

   - That the Trespass Warning & Enforcement Authorization form was verified as current through the DATA.

   - The "Prohibited Behavior" the subject was engaged in on the property (e.g., on property after business hours).

6. **Completes** a Trespass Admonishment (form 5.34.1).

7. **Gives** a copy of the warning to the subject.

8. **Forwards** the Trespass Admonishment to Records.

Records

9. **Scans** the Trespass Admonishment and attaches it to the Field Contact report.

10. **Retains** original.

Supervisor

11. **Reviews** the Trespass admonishment and report.

15.270-TSK-1 Processing the Criminal Trespass Arrest for a Previous Warning

When an sworn employee makes an arrest under the Trespass Warning Program based on a previous Trespass Warning, the **sworn employee**:

1. **Observes** a subject violating conditions of entry on a property participating in the Trespass Warning Program.

2. **Contacts** the individual to explain the prohibited behavior and point out the posted sign.

3. **Verifies** that an existing Trespass Admonishment for the location and the subject exists in Mark43 and that the Trespass Warning Authorization is current through the DATA or in the Trespass Warning Program Master List located on the Data Governance SharePoint Trespass Warning Program.

4. **Arrests** the subject for Criminal Trespass (SMC 12A.08.040) (see manual section 6.010 – Arrests).

5. **Completes** a new Trespass Admonishment for the individual (see 15.270-PRO-3).

6. **Completes** a Mark43 Incident/Offense report with "Criminal Trespass" as the offense.

- Lists the subject as the "Suspect."

- Lists the officer who issued the original Trespass Warning as the secondary officer in the Report.

- Lists the business as the "Victim."

- Lists the person who signed the Trespass Warning & Enforcement Authorization contract as "Other involved party." The signed business' Trespass Warning & Enforcement Authorization contract can be found with the DATA.

7. **Includes** the following in the narrative:

- Name of subject

- The reason for the contact was explained to the subject

- The "Conditions of Entry" signs were visible and pointed out to the subject

- That an existing Trespass Admonishment for the location and the subject was located in Mark 43.

- The "Prohibited Behavior" the subject was engaged in on the property (e.g. on property after business hours).

8. **Associates** the initial Field Contact Report number with the Arrest/Incident Offense Report.