

Seattle Police Department Manual

15.270 – Trespass Warning Program

Effective Date: 08/15/2012

15.270-POL

This policy applies when an officer enforces the criminal trespass law through the Trespass Warning Program.

1. The Trespass Warning Program Does Not Replace Law

Officers 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. Defining Relevant Terms

For the purposes of this policy the following definitions apply:

Trespass Warning Program – The system that allows SPD officers to proactively issue behavior-based Trespass Warnings. The program's three components are the Trespass Warning & Enforcement Authorization, the "Conditions of Entry" signage, and the Trespass Warning.

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.

Admonishment – The admonishment is initiated by the 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 is still initiated by the proprietor and not the officer.

Trespass Warning – A Trespass Warning (Form 5.34.1) is issued by SPD officers pursuant to a Trespass Warning & Enforcement Authorization. The warning is based on the behavior of the person being warned.

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3. Businesses Must Sign Up for the Program Individually

To enter the program, each individual business must complete and sign a Trespass Warning & Enforcement Authorization. Captains will designate representatives to manage the Trespass Warning Program for their precinct (See 15.270-PRO-1).

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

4. 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 property owner may cover those areas in a separate trespass authorization.

Conversely, the property owner may not restrict persons from visiting individual businesses on the property under the authorization covering the common areas.

5. Businesses 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. Officers have the discretion to determine if the proprietor has displayed the signs in a manner that meets those requirements.

6. Officers May Proactively Issue Written Warnings Under the Trespass Warning Program

Officers may initiate contact and issue a Trespass Warning 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.

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7. Officers May Arrest Based on Previous Trespass Warnings

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

- The person is on a property that has a current Trespass Warning & Enforcement Authorization in RMS, 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 Mark 43 for that individual for that location.

8. 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 address 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 Warning to an individual.

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

Proprietor

1. **Contacts** the Department in person or using the following email addresses to sign a Trespass Warning & Enforcement Authorization (form 5.34).

NPrecinctTrespassProgram@seattle.gov

WPrecinctTrespassProgram@seattle.gov

SPrecinctTrespassProgram@seattle.gov

SWPrecinctTrespassProgram@seattle.gov

EPrecinctTrespassProgram@seattle.gov

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SPD Representative

2. **Gives** a copy of the authorization to the proprietor with precinct contact information.
3. **Explains** the enforcement process to the proprietor.
4. **Explains** the process for revoking the authorization and individual trespass warnings (See 15.270-PRO-2).

Proprietor

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

Precinct Operations Administrative Specialist

6. **Files** the Trespass Warning & Enforcement Authorization at the precinct.
7. **Forwards** the authorization to Data Center.
8. **Enters** the information into Mark43 creating a Field Contact Report for the property.

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 officers of the change.
4. **Arranges** for the request to be sent to Data Center.

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Data Center

5. **Updates** Mark43 using the Field Contact Report.

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

Officer

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. **Completes** a Trespass Warning (form 5.34.1).
4. **Gives** a copy of the warning to the subject.
5. **Submits** the warning to sergeant for review.

Sergeant

6. **Reviews** the Trespass Warning.
7. **Delivers** the warning to the Precinct Operations Administrative Specialist.

Precinct Operations Administrative Specialist

8. **Enters** the person's name into Mark43 using a Field Contact Report with a Trespass Warning (TW).
9. **Files** the Trespass Warning.

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

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

1. **Locates** the original Trespass Warning (form 5.34.1) at the precinct.
2. **Writes** the Report Number of the arrest on the original Trespass Warning.

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3. **Sends** a copy of the original to Data for scanning and attaching onto the Report.
4. **Enters** the original Trespass Warning into evidence under the Report Number for the arrest.
5. **Completes** a new Trespass Warning for the individual.

(See 15.270-PRO-3)

6. **Includes** the complainant's information as listed on the Trespass Warning Agreement & Enforcement Authorization on the Report.
7. **Lists** the officer who issued the original Trespass Warning as the secondary officer in the Report.