

402.5 TRESPASS AUTHORIZATION BY A BUSINESS OR PRIVATE PROPERTY OWNER

- I. Trespass Authorization: A Trespass Authorization form (TPD 127) is utilized when a business or property owner has identified a reoccurring trespassing problem at his/her business or property. A completed affidavit on file or visibly posted and in plain view at the business or property, gives the Tampa Police Department the right to act as the owner's representative in warning anyone found in violation of the completed trespass authorization to leave, and to arrest violators if they refuse. A business or property owner will use Police Notice (TPD 128) (presently bright green) to give notice to trespassers that the Tampa Police Department has been given authority to enforce trespassing on behalf of the business or property owner.
- II. Background: When facts establish probable cause to believe the elements of trespass under F.S. § 810.08 and § 810.09 are met, an officer may be an authorized person for the business or property owner and communicate an order to depart the property on behalf of a business or private property when the department has received written authorization from the owner or lessee, or his or her agent. Officers will need to ensure a trespass authorization has been completed before acting as an authorized person. For additional policies covering trespass, see: SOP 402.5 (Trespass Affidavit); SOP 403.5 (Trespass Warnings Form); SOP 541 (Extra Duty Trespass); SOP 541.1 (Trespass Warnings); and IDP 301.07 (Trespass Enforcement). Trespassing is also covered in Legal Bulletin numbers: 98-17 (Trespass After Warning); 02-04 (Landlord-Tenant); 02-07 (Trespassing After Warning); 09-05 (HART); 10-14 (Warning Forms); 11-19 (FDOT); 12-15 (Warnings); 12-19 (Affidavits); 13-04/14-07 (Rescinding); 14-09 (Legal Issues Relating to Stops); 15-04 (General); 15-13 (Residential Property); 24-02 (Abatement and Trespass). A Power Point titled "Trespassing and Trespassing Affidavits" has also been published.
- III. Completion of Authorization:

A TPD Trespass Authorization form (TPD 127) will need the following information:

1. Owner/Representative: Enter the name of the property owner, or owner's designee, authorizing the Tampa Police Department to warn and enforce trespassing at the property.
2. Property Address: Enter the business or property's street address.
3. Grid Number: Enter the grid number.
4. Business Name: If applicable, enter the name of the business where the trespass affidavit is to be in effect.
5. Phone: Enter the phone number(s) where the owner/representative can be reached.
6. Owner Mailing Address: Enter the Owner's mailing address so he or she can be reached if a subpoena is issued for court testimony purposes.

7. Additional Contact Person or Information: Helpful in case owner moves or cannot be reached.
8. TPD District Phone Number Block: Complete the fillable space within the Authorization with the phone number for the appropriate Tampa Police Department district.
9. Name/Signature/Witness/Date blocks: Complete the spaces for the owner's name, signature, witness, and date.

Supersedes SOP 402.5, dated 11/20.