

PATROL

CRIMINAL TRESPASS WARNING FORM

Purpose: The purpose of this policy is to establish the procedures regarding the documentation of criminal trespass violators with the intent of using said documentation to facilitate enforcement action.

Policy Statement: The North Little Rock Police Department recognizes that *criminal trespass* is a criminal offense which must be addressed by its sworn members. In order to document ongoing and reoccurring instances of this offense, it is the aim of this policy to equip officers with the tools necessary to accomplish this. With that intent, a *Criminal Trespass Form* has been designed to enable a warrantless arrest when proper procedures are followed.

Summary of Changes: Removed section 1.5.2 in reference to providing a copy of the form to Support Services.

Definitions:

Criminal Trespass: A person commits criminal trespass if he purposely enters or remains unlawfully in or upon a vehicle or premises of another person. **(ACA 5-39-203)**. Criminal trespass is a **Class B misdemeanor** if the vehicle or premises involved is an occupiable structure. Otherwise, it is a **Class C misdemeanor**.

Enter or remains unlawfully: A person who enters or remains in or upon premises defying a lawful order not to enter or remain on the premises after it was personally communicated to the person by the owner of the premises or another person authorized by the owner for that person not to enter or remain on the premises

Procedure

1 Form Completion

- 1.1 Officers will provide private residents or business representatives with a *Criminal Trespass Form* (dated 11/2017) when applicable. An example of this would be if a person repeatedly goes to the address to commit a criminal offense or to cause a disturbance.
- 1.2 The form is to be completed by the property owner/representative in the presence of the responding officer when the legal right exists for the person in control of the property to prohibit another person from entering or remaining on the premises.
 - 1.2.1 The representative of the property will sign the form in the appropriate space
 - 1.2.3 The form will show the date the form was completed.
 - 1.2.4 The representative of the property should write a short synopsis on the back of the form detailing the circumstances resulting in the violator being barred from the premises.
- 1.3 The violator will be advised of the form and its contents. The violator will be asked to sign the form, but is not required to do so.
 - 1.3.1 If the violator refuses to sign the form, it is to be noted on the line provided for the violator's signature along with the date and time of the refusal.
 - 1.3.2 The lack of the violator's signature will have no impact on the validity of the form.
- 1.4 The officer will ensure the form has been completed in its entirety before signing the form.
 - 1.4.1 The officer will sign on the witness line and provide his/her ID number in the space provided.
- 1.5 The top/original copy of the completed form will be maintained by the representative for referral.
 - 1.5.1 A copy will be given to the violator.
- 1.6 An *Incident Report* is not necessary when a *Criminal Trespass Form* is used unless other circumstances or criminal violation indicate a need for a report.

2 Criminal Trespass Enforcement

- 2.1 A responding officer will have the option of either a warning or arresting a violator when a previously completed *Criminal Trespass Form* that is properly completed with an officer's name and ID, is presented to the officer.
- 2.2 In the event of a physical arrest, a copy of the *Criminal Trespass Form* will be included with the *Arrest Disposition Report* and *Incident Report*.
- 2.3 Issuance of a criminal citation will require a copy of the *Criminal Trespass Form* with the *Incident Report*.
- 2.4 A copy of the *Criminal Trespass Form* is not required if the arrest of a violator is not relevant to a previous warning.

2.5 In the event the officer gives the violator a warning, the officer will note on the form presented by the home/business representative the date and time of the warning. The officer will also sign his name and his member ID number.

Mike Davis
Chief of Police