

WEST PALM BEACH POLICE DEPARTMENT

III-10 TRESPASS ARRESTS

EFFECTIVE: 01/01/2005

CALEA Standards: N/A

CFA Standards: N/A

I. POLICY: Officers of the West Palm Beach Police Department will make arrests for trespass based on current Florida State Statute. In order to support probable cause and gain successful prosecution in these cases, officers must properly document trespass enforcement and enlist the assistance of property owners.

II. DEFINITIONS:

A. Trespass Enforcement Affidavit: A document signed by the property owner authorizing the officer to act as an agent of the property owner to enforce the trespass statutes (See Appendix A).

B. Trespass Enforcement Warning: A document given to a person warning that he or she is in violation of Florida Trespass Statutes (See Appendix B).

III. PROCEDURE:

A. When a victim, property owner, or other person authorized by statute has asked a subject to leave the property and an officer has warned the subject to leave and that person still refuses to leave, the officer may arrest the subject for trespass.

1. When the subject is arrested, the officer will obtain a written statement from the victim, owner, or his or her agent.

2. The written statement will be turned in with the arrest paperwork (See Appendix C).

B. When a property owner has completed a "Trespass Enforcement Affidavit" and an officer encounters a subject who is trespassing, the officer must check with Dispatch Operations to ascertain if the subject has an active trespass warning in C.A.D.

1. When the subject has been previously warned and the property is posted with no trespassing signs. An officer may arrest a subject for trespassing.

a. When an arrest is made, copies of the "Trespass Enforcement Affidavit" and/or the "Trespass Enforcement Warning" must be attached to the arrest paperwork.

2. When the subject has not been previously warned, the officer will complete a "Trespass Enforcement Warning" including the offense information and a thumb print of the subject. The officer will explain the possible consequences of the subject's actions if he or she returns to the property and then obtain a case number from Dispatch Operations.

3. In the event the subject refuses to sign the Trespass Enforcement Warning, the issuing officer will write "Offender Refused To Sign" on the line for the offender's signature.

C. Original copies of "Trespass Enforcement Affidavits" and "Trespass Enforcement Warnings" will be routed to the Records Section and Crime Prevention Unit. Copies will be maintained in the Zone Notebooks in the briefing room.

D. The officer may not list "Society" as the victim in Trespass Cases. A specific victim must be used.

IV. REFERENCES:

- F.S.S. 810.011- Definitions
- F.S.S. 810.08- Trespass in a structure or conveyance
- F.S.S. 810.09- Trespass on property other than structure or conveyance

Delsa R. Bush, Chief of Police

Original issue: 12/15/98
Revised: 01/01/2005
I.D. # 1337

History: SOP # III-10 changed on 01/01/2005
Old SOP # 18.25
Revision Dates: 01/01/2005

Job Title Task Files:



Appendix A



West Palm Beach Police Department
Trespassing Enforcement Affidavit

Pursuant to F.S.S. 810.08, whoever without being authorized, licensed, or invited, willfully enters or remains in any structure or conveyance, or, having been authorized, licensed, or invited, is warned by the owner or lessee of the premises, or by a person authorized by the owner or lessee, to depart and refuses ,to do so, commits the offense of trespass in a structure or conveyance.

Pursuant to F.S.S. 810.09, whoever without being authorized, licensed or invited, willfully enters upon or remains in any property other than a structure or conveyance as to which notice against entering or remaining is given, either by actual communication to the offender or by posting, fencing, or cultivation as described in F.S.S. 810.011, commits the offence of trespass on property other than a structure or conveyance.

If the offender defies an order to leave, personally communicated to him by the owner of the premises or by authorized person, commits the offense of trespassing, a misdemeanor punishable as provided in F.S.S. 775.082 or F.S.S. 775.083.

This document is to serve notice that Officers of the West Palm Beach Police Department are authorized by the owner or leassor of the below listed property to enforce Trespassing Statutes on said property including parking /ots. As authorized representatives officers of the West Palm Beach Police Department may enforce the State Of Florida Trespassing statutes by warning and directing undesired persons to leave the property and or curtilage thereof. The owner of the below listed property, located in the City Of West Palm Beach, Palm Beach County, Florida, agrees that they will aid in the prosecution of those persons arrested.

This enforcement authorization will remain in force until canceled in writing by the owner/leassor or authorized person.

Business / Residence Name: _____

Business / Residence Address: _____

West Palm Beach Police Department Sign Number: _____

CONTACT INFORMATION:

Property Owner Name: _____ D.O.B. _____

Address: _____

Phone Numbers Home: _____ Work: _____ Cell: _____

Sworn to and Subscribed Before me:

This ____ Day of _____ 20 ____

Notary / Police Officer

Authorizing Signature

My Commission Expires

Relationship to Property Owner.



APPENDIX B

West Palm Beach Police Department
Trespassing Enforcement Warning

Case #: (94) - _____ - _____

Pursuant to F.S.S. 810.08, whoever without being authorized, licensed, or invited, willfully enters or remains in any structure or conveyance, or, having been authorized, licensed, or invited, is warned by the owner or lessee of the premises, or by a person authorized by the owner or lessee, to depart and refuses to do so, commits the offense of trespass in a structure or conveyance.

Pursuant to F.S.S. 810.09, whoever without being authorized, licensed or invited. willfully enters upon or remains in any property other than a structure or conveyance as to which notice against entering or remaining is given, either by actual communication to the offender or by posting, fencing, or cultivation as described in F.S.S. 810.011, commits the offense of trespass on property other than a structure or conveyance.

If the offender defies an order to leave, personally communicated to him by the owner of the premises or by authorized person, commits the offense of trespassing, a misdemeanor punishable as provided in F.S.S. 775.082 or F.S.S. 775.083.

Officers of the West Palm Beach Police Department are authorized by the owner or leassor of the below listed property to enforce Trespassing Statutes on the said property including parking lots. The below listed property is located in the City Of West Palm Beach, Palm Beach County, Florida.

Business / Resident Name: _____

Business / Resident Address: _____

The below listed offender does acknowledge having received this written warning from an authorized representative of the owner/leassor, and does understand that he/she is trespassing upon private property located at the above listed address. The offender further acknowledges that if he/she returns to the listed property that he/she is **subject to arrest for the offense of Trespassing**. This warning will remain in force until canceled in writing by the owner/leassor, or authorized representative of said property.

Offender Information:

Name: _____

Race: _____ Sex: _____ DOB: _____ SS#: _____

Drivers License # _____ State: _____

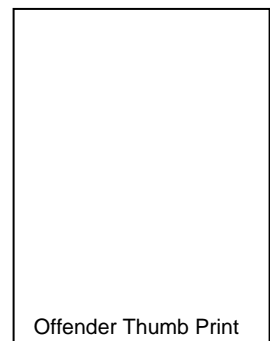
Offender's Signature: _____

Officer's Name/ID #: _____

Signature of Officer / Authorized Representative: _____

Date: _____ Time: _____

WPBPD Sign # _____



Offender Thumb Print

