POLICY TITLE: Trespass

APPROVED BY: Wayne Jerman, Chief
Administrative Assistant of Administrative Operations, JCA, Patrol Captain

REQUIRED REVIEWERS: Administrative Assistant

STANDARD/REF #: 

REVIEWED DATE: 10/29/2018

REvised DATE: 10/29/2018

POLICY/PURPOSE:
The purpose of this directive is to establish guidelines for handling trespassers on properties where Letters of Trespass have been filed with the Cedar Rapids Police Department (CRPD) or officers have personally warned individuals.

The CRPD has established a Trespass Database where individuals warned by officers and from submitted Letters of Trespass from businesses/property owners are kept on file. These letters and prior warnings give officers authorization to enforce elements of Trespass in the absence of the person(s) in charge of the stated property as permitted in §716.7 of the Code of Iowa in the event a person fails to heed a warning.

PROCEDURE:
Owners of businesses, or their agents, and personal property owners may have a Letter of Trespass (CRPD #783) on file with the CRPD. Optionally, they may elect to send notice on their company letterhead. These letters authorize officers to remove and take action against trespassers during non-business hours when the property is unattended.

• Additionally, some letters may include specific individuals that have already been warned for trespass by the sender of the letter.

• Letters should be addressed to, or forwarded to the Administrative Operations Division.
  o If a letter specifies an individual was warned, the letter should include at minimum the individual's name and date of birth as individual identifiers.

• The Administrative Operations Division Administrative Assistant will:
  o Enter the supplied information into the Trespass Database
    ▪ Letters older than one year will be automatically show they are no longer valid in the Trespass Database.
  o Forward the letters to the Joint Communications Center (JCA) for storage and retrieval
  o Once a year send out a notification to all businesses and/or individuals who have submitted a Letter of Trespass (CRPD #783) or their own letter, and advise them that the trespass requests must be renewed annually.

Warnings:
In most circumstances, individuals must be warned for Trespass before they can be arrested.

• Refer to §716.7 of the Code of Iowa.
Officers who personally warn individuals for trespass from properties at the direction of the owner/agent or at the request of a Letter of Trespass will advise JCA of the individual being warned.
  • JCA will enter the information into the same Trespass Database that houses the Letters of Trespass.

Additional warnings are not required for the same location if the Trespass Database verifies the individual was previously warned or was specifically named as being warned in a Letter of Trespass for that property.

Letters of Trespass have an expiration date of one calendar year from the date received at the CRPD in the same manner that other trespass warnings expire one year from the date of issuance.

Charging Trespass:
When officers locate an individual on a property without authorization, they should check the Trespass Database or request JCA to check for previous warnings to the individual and/or a Letter of Trespass to that property/business.
  • Prior to arresting individuals, officers will verify through JCA that an individual has been warned within the last year.
    o If an arrest is made, officers will include the date a warning was made along with the warning officer’s name.
      ▪ Officers should re-issue trespass warnings to arrested individuals from the property they were arrested from. This allows the trespass warning to be reset back to one year, unless the complainant does not wish for the trespass warning to be re-issued.
    o If an arrest is based off of a Letter of Trespass:
      ▪ A copy of any trespass letter (located in JCA) shall be included with the officer’s paperwork.
      ▪ Attempts must be made by the officer(s) to notify the owner of actions taken that resulted in an arrest. Either contact of the owner or unsuccessful attempts should be noted in the officer’s report.
  • Officers have discretion if an arrested individual will be cited and released or taken into custody, depending upon the circumstances.
  • Business properties that are open or leave someone in attendance will be required to call the CRPD or notify an officer if they have a problem with unwanted guests on their property at the time of occurrence.
  • Other incidents of Trespassing will be handled in accordance with the guidelines set forth in the Iowa §716.7 of the Code of Iowa.
Juveniles

Officers charging juveniles with criminal trespass shall complete a Youth Officers Investigative Report (Blue Sheet) (CRPD #241) in lieu of a complaint.

- Without unnecessary delay, officers shall release the juvenile to a parent or guardian or make a good faith effort to make contact with parent or guardian prior to release.