
ANTI-TRESPASSING PROGRAM

4282.1 PURPOSE

These procedures will familiarize officers with guidelines established for the implementation and enforcement of an anti-trespassing program designed to address trespassing that occurs on private property with public access.

4282.2 INTRODUCTION

The Santa Ana Police Department is implementing an anti-trespassing program in response to an increased number of complaints from business owners regarding trespassing on private property parking lots. This program will enforce the provisions of Penal Code 602(k) to deter persons from loitering or congregating on private property without the consent of property owners. The program allows officers to act as agents of the property owner and lawfully detain suspected violators for identification and arrest when appropriate by enforcing trespass violations that occur on private commercial properties. Officers should review the Penal Code for the appropriate sections to use when residential property is involved.

4282.3 DEFINITIONS

4282.3.1 PENAL CODE 602(K) TRESPASS

Entering any lands, whether unenclosed or enclosed by fence, for the purpose of injuring any property or property rights or with the intention of interfering with, obstructing, or injuring any lawful business or occupation carried on by the owner of the land, the owner's agent or by the person in lawful possession.

Pursuant to Penal Code § 602(k) (Trespassing) a violation occurs when a subject enters private property for purposes other than which the property owner intended. Normally, the intended use is to conduct business with tenants at the property and not to interfere with the operations of the property owner. Interference with operations may include nightly cleaning of parking lots or the availability of parking to business patrons.

When it has been determined a violation has occurred, the subject(s) can be detained for identification. An arrest can be made when the person, after being advised to leave by a police officer, remains on or returns to the property. Officers should take into consideration and use caution when persons on the property are soliciting charitable contributions or are conducting other lawful activities that are protected by the United States or California Constitutions.

4282.3.2 PENAL CODE 602(O) TRESPASS

Refusing or failing to leave land, real property, or structures belonging to or lawfully occupied by another and not open to the general public, upon being requested to leave by (1) a peace officer at the request of the owner, the owner's agent, or the person in lawful possession, and upon being informed by the peace officer that he or she is acting at the request of the owner, the owner's agent, or the person in lawful possession, or (2) the owner, the owner's agent, or the person in

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lawful possession. The owner, the owner's agent, or the person in lawful possession shall make a separate request to the peace officer on each occasion when the peace officer's assistance in dealing with a trespass is requested.

4282.4 PREPARATION FOR ENFORCEMENT

Prior to enforcement, a Department member will contact affected property owners. Property owners wishing to have the SAPD personnel act as their agents to enforce trespass violations on their property will be expected to:

1. Post approved signs at all entrances and at various conspicuous locations within the parking lot. The sign should use contrasting colors and have 2" lettering (Signs must be in compliance with Penal Code 553(a). The sign should state the following:
 - A. **"Warning Private Property:** Entry to parking lot and building is for tenants and their clients only. Violators will be prosecuted. California Penal Code Section 602"
2. Business should have a universal sign posted that states the following:
 - A. Business is "Closed to the public" and the hours (Am/Pm) in which the business is closed. The posted sign should be clear and visible. See provided example of sign attached to the form as Appendix A.
3. Grant SAPD permission to act as their agent by requesting offenders leave the property. Permission can be in person or in writing if the owner is absent. Requests must be renewed every six months. See example of written request form attached as Appendix B.

4282.5 DOCUMENTATION OF LOCATIONS

When a business or property owner requests to participate in the program and has complied with the requirements, an information report will be taken to document receipt of the signed letter and the name and contact information for the property. Subsequent letters received will be documented by a supplemental report using the original case number. A premise entry will be made for the address to advise officers the property is in compliance.

4282.6 CONTACTING SUSPECTED OFFENDERS

Officers will respond to dispatched violations and observed violations. When an officer has reasonable suspicion, or develops reasonable suspicion during a consensual encounter, that the subject is trespassing, the officer may detain and identify the individual. Contacting a suspected trespasser is a valid detention for as reasonable amount of time it takes to complete this investigation. A record will be made of the subject's ID, the advising officer's ID, the time, and that the violator was verbally advised to leave the property. This information is necessary for prosecution purposes should the party return to the property. An F.I. card may be used for this documentation. The officers will retain the F.I. card and turn it in at the end of their shift. If an officer believes the offender has been recently advised to leave the property, the officer can check with dispatch to see if another officer has been at the location, check with the private security if

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available, or contact the station supervisor or records for recent F.I. cards. Adding names to the premise history will be inefficient. An arrest can be made once the subject has been advised to leave and has refused and/or returns to the property. A private persons arrest is not necessary if the offense is committed in the officer's presence. The offender may be cited and released in the field or, depending on the circumstances; the offender may be booked at the Santa Ana Jail. Misdemeanor arrest procedures will be followed.

4282.7 SUMMARY

This program encompasses the Department's policies and procedures. This program will not be used to infringe upon any lawful activities protected by the United States or California Constitutions. This program will not be used as an action to any person engaged in lawful labor union activities permitted to be carried out on the property by State or Federal Law.

The proper application of this program can be a useful tool in identifying offenders in deterring their abuse of private business properties.

4282.8 APPENDIX A



4282.9 APPENDIX B

See attachment: [602 Enforcement Request Form.pdf](#)

4282.9.1 APPENDIX B INSTRUCTIONS

See attachment: [602 Cover 2019.pdf](#)

Attachments

602 Cover 2019.pdf

PRIVATE PROPERTY
NO TRESPASSING
VIOLATORS WILL BE PROSECUTED
602 CPC

WHY 602 are utilized by SAPD

If an arrest is made, the individual that signs the 602 authorization will be treated as the victim, therefore can be called in to court

QUESTIONS:
PLEASE CONTACT:
Police Service Officer
Erika Baca
(714)647-5062
or
Melissa Ortega
(714) 245-8508

PRIVATE PROPERTY
NO TRESPASSING
VIOLATORS WILL BE PROSECUTED
602 CPC

Owners, managers, or individuals in lawful possession of private property may at some point in time, experience problems with subjects who trespass on their property. These subjects may be involved in illicit activities such as “Drugs, Gangs, Prostitution, and/or Panhandling.”

Trespass citations have become an important tool for Officers of the Santa Ana Police Department. There are various sections of the California State Penal Code which specifically address subjects who trespass and/or loiter without lawful business and/or owner’s consent.

In most situations, a trespasser must first be told to leave by the SAPD Officer. If the subject refuses he may be arrested. If he does leave when asked to by the Officer, but returns later that same day, he may be arrested without further warning. If the Orange County District Attorney files the case, you the owner or manager of the property are treated as the victim, in these types of cases.

Due to the frequency upon which Santa Ana Police Department officers are called on to enforce trespassing laws, you the property owner/manager, will be asked to sign a **LIMITED AUTHORIZATION FOR ARREST** form, for each of your affected properties. This authorization provides authority for the SAPD Officers to act on behalf of the owner/manager and addresses the issue of consent. By signing this authorization in advance, you enable the SAPD Officers to patrol your properties and enforce, if necessary, any and all applicable violations which occur.

If your property is otherwise vacant, boarded up and posted as indicated above, your written authorization will remain valid for up to 6 months from the date it is signed.

Once you have signed a written authorization for arrest and a SAPD case number has been assigned to your property, it will remain valid for 6 months. **IT IS THE RESPONSIBILITY OF THE PROPERTY OWNER OR MANAGER to renew this authorization every 6 months.** Fax to Police Service Officer, Erika Baca (714) 418-9753 or Melissa Ortega (714) 245-8755, requesting continued enforcement.

Please post all of your affected properties with signs as indicated. Signs must be visible at all entrances and alleyways adjoining your properties.

602 Enforcement Request Form.pdf

**SANTA ANA POLICE DEPARTMENT
LIMITED AUTHORIZATION FOR ARREST**

CASE # _____

I hereby authorize the Santa Ana Police Department to arrest any person who trespasses upon my property at _____ which is fenced, or posted with signs no less than 3 to a mile, along all entries and exterior boundaries, or neither posted nor fenced and/or in any way engages in, carries out or causes to carry out any unlawful act in violation of the law of the State of California or the City of Santa Ana's Municipal Code. I specifically designate the Santa Ana Police Department as my agent and grant authority to police officers to request persons who are trespassing to leave the above-reference property. (Penal Code section 602 and 647.) I also agree to cooperate fully with any prosecution brought by or on behalf of law enforcement authorities acting at my request and I agree to appear in court if called to do so. I understand this authorization is for a limited time and that the time period will not exceed 6 months when the property is not posted and when the owner, agent or person in lawful possession is absent from the property. If the property is closed to the public and posted "Closed to the Public, No Trespassing", the period of time will not exceed six months. I further understand that it will be my responsibility to renew my request once that time has expired. I will hold harmless the City of Santa Ana for any act as a result of this request. I will renew this authorization or allow it to expire within 6 months of the date signed. I agree to notify the Santa Ana Police Department in the event I sell or relinquish ownership, agency or lawful possession of the property.

Signature _____

Date _____

Printed Name/Title _____

California Driver's License # _____

Date of Birth _____

Home Address _____

City, State, Zip _____

Home Phone # _____

Business/Property Address _____

City, State, Zip _____

Business Phone # _____

Cell # _____

E-mail address _____

Name of or type of business/property _____

My business/property will be closed between the hours of _____ and _____

Describe trespassing issues _____

WESTEND DIVISION – Mail or fax this form to:

Santa Ana Police Department M-18

Police Service Officer Erika Baca

P.O. Box #1981

60 Civic Center Plaza

Santa Ana, CA 92702

Phone: (714) 647-5062

FAX: (714) 418-9753

E-mail address: ebaca@santa-ana.org

EASTEND DIVISION – Mail or fax this form to:

Santa Ana Police Department M-18

Police Service Officer Melissa Ortega

P.O. Box #1981

60 Civic Center Plaza

Santa Ana, CA 92702

Phone: (714) 245-8508

FAX: (714) 245-8755

E-mail address: mortega@santa-ana.org

For Office Use Only

Witnessed by: _____ (May be same as officer taking report)

Date received by SAPD: _____ Expiration Date: _____