



TRESPASS AFFIDAVIT PROGRAM



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RESCINDS:	18 April 2016 Version		
INDEX CATEGORY:	Human Rights and Community Partnerships		

I. PURPOSE

This directive:

- A. continues and outlines the Department policy regarding the Trespass Affidavit Program.
- B. continues the use of the:
 - 1. Trespass Affidavit Program Enrollment Form ([CPD - 21.716](#))
 - 2. Criminal Trespass Affidavit ([CPD - 21.718](#))
 - 3. Trespass Affidavit Program Authorization List ([CPD - 21.717](#)).
- C. updates certain terms relative to the Investigatory Stop System.

II. POLICY

The Trespass Affidavit Program is a valuable tool to prevent, detect, and take necessary enforcement action regarding narcotics, prostitution, and other illegal activity occurring in lobbies, stairwells, basements, and other common areas of privately owned buildings. The Trespass Affidavit Program will not be used to mitigate landlord-tenant disputes or other civil matters where ownership is in dispute.

III. CRIMINAL TRESPASS AFFIDAVIT

- A. The Criminal Trespass Affidavit is a document signed and sworn to by a private property owner that:
 - 1. authorizes Department members to enter privately owned buildings to patrol common areas for trespassers and other criminal activity.
 - 2. eliminates the need for the property owner to sign a criminal complaint at the time of an arrest.

NOTE: The Criminal Trespass Affidavit permits Department members to sign criminal complaints on behalf of a property owner.

- 3. enhances crime intelligence and problem solving by facilitating communication between police and property owners.
- B. The Criminal Trespass Affidavit is valid for one year from the date of signature. Enrollment into the program may be renewed every year, as needed.

IV. BUILDING IDENTIFICATION PROCESS

- A. District commanders in conjunction with other Department units and City agencies will identify buildings that may be eligible for the Trespass Affidavit Program.
- B. The building identification process may include the following:
 - 1. use of the Building Address Database (BAD) dashboard;
 - 2. input from various concerned community members and organizations;

3. input from other City agencies, such as the Department of Buildings, and aldermanic offices.

V. ENROLLMENT PROCEDURES

District commanders will:

- A. meet with building owners or agents to discuss problems and concerns to determine if property or public safety would benefit from enrollment into the program.
- B. arrange for the owner or agent to meet with a notary at the Legal Affairs Division or the district to sign and notarize the Criminal Trespass Affidavit and complete the Trespass Affidavit Program Enrollment Form. The Enrollment Form will contain detailed contact information and a detailed description of the problems or concerns of the building owner or agent.

NOTE: If circumstances warrant, arrangements may be made for a notary to meet with an owner or agent in the field.

- C. obtain an access key and/or key code and create a file to be maintained by the district.
- D. obtain a list of persons authorized to be on the property from the owner or agent, if practical.

VI. PATROL PROCEDURES

- A. Officers will conduct premise checks of buildings enrolled in the Trespass Affidavit Program.
- B. Officers will:
 1. notify OEMC and obtain an event number prior to entry into the building
 2. inspect the interior of the lobby, other common-access areas, and the front, rear, and other exterior doors for signs stating "No Trespassing."

NOTE: Signs should be prominently displayed in areas where persons entering the building can readily observe them.

3. be alert for persons who may be engaged in criminal activity, including potential trespassers.
 - a. Upon encountering a suspected trespasser, the officer will approach the person(s) and ask if he or she:
 - (1) lives in the building.
 - (2) is visiting someone in the building.
 - (3) has business in the building.
 - b. Refusal to answer an officer's questions alone will not reach the level of "probable cause" for an arrest. A refusal to answer questions may be a factor that supports reasonable suspicion to justify an investigatory stop.
- C. Officers will document all investigatory consistent with the Department directive titled "**Investigatory Stop System.**"
- D. When any arrest is made as a result of the Trespass Affidavit Program, the officer will:
 1. obtain a copy of the completed Criminal Trespass Affidavit to be included with the arrest paperwork.

NOTE: The Criminal Trespass Affidavit permits Department members to sign criminal complaints on behalf of a property owner, when applicable.

2. indicate "Yes" under "Trespass Affidavit Related" in the Automated Arrest Application.
3. forward a copy of the arrest paperwork to the District Intelligence Officer.

VII. DISTRICT INTELLIGENCE OFFICER RESPONSIBILITIES

The District Intelligence Officer (DIO) will:

- A. maintain a file of the original, completed Criminal Trespass Affidavits for buildings located in the district that are enrolled in the program.

NOTE: The Legal Affairs Division will maintain a file of copies of the completed Criminal Trespass Affidavits.

- B. scan the completed Criminal Trespass Affidavit and the Enrollment Form into the BAD dashboard.
- C. ensure all Criminal Trespass Affidavits on file are current.

NOTE: Prior to the expiration of an affidavit, the DIO will consult with the district commander, the building owner or agent, and other appropriate personnel to determine if a subsequent affidavit should be obtained.

- D. notify building owners or agents by phone and by either mail or email of pending court dates and information that require their appearance in court.
- E. maintain a file of all arrests that were the result of the Trespass Affidavit Program.
- F. monitor and track all arrests pertaining to the Trespass Affidavit Program.
- G. apprise the district commander of all activities resulting from the Trespass Affidavit Program.

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