

# CRIMINAL TRESPASS POLICY

## GENERAL

The Housing Authority, hereinafter referred to as the “Authority”, is aware of the problem its residents and Authority face with the unwanted presence of persons on, in or about the property of the Authority. Recognizing the seriousness of illegal drug activity, as well as other criminal activity, the Authority adopts the following policy in an effort to enhance the safety, health and well-being of its residents and its property.

The goal of the following policy is to reduce criminal activity involving drugs and other activity, which threatens the peace and tranquility desired for public housing and its residents. The following policy is to be implemented and carried out under the laws of the State of Tennessee and the municipality.

### *Issuing Nonresident Warnings*

The Authority considers any person who enters onto its properties without the authority or ~~permission~~ Consent of management and /or residents as trespassers. The Authority shall cause a verbal or written warning to be issued to any nonresident who either has no legal right to be on the property of the Authority or is not an invited guest of a resident. Said warning shall state that such persons shall not come on any property belonging to the Authority for the time periods described below under penalty of being prosecuted for criminal trespass under law. When practical, a trespass warning shall be in writing, but the Authority shall have the right to rely on a verbal trespass warning that is documented in the Authority’s records. Such warning shall be given to non-residents who:

1. Enters or remains on the property, without the consent of management or resident: First Offense-**Voluntary removal from property**. Second offense-Person issued warning will be barred from returning to the property for a period of **Six Months**; Third Office- Person issued warning will be barred from returning to the property for a period of **One Year**.
2. Engage in or has had a verbal or physical confrontation with law enforcement personnel, residents, guests, or Authority personnel on the property of the Authority; **Person issued warning will be barred from returning to the property for a period of Three Years**
3. **Damage property of the Authority; Person issued warning will be barred from returning to the property for a period of Three Years**

4. Engage in criminal activity on Authority property which is non-violent in nature, and which causes no physical injury to another person, or other activity that interferes with the quiet and peaceful enjoyment of the residents, which includes but is not limited to prostitution, public intoxication, theft of property, etc.; Person issued warning will be barred from returning to the property for a period of **Three Years**
5. Engage in activity on Authority property in which a deadly weapon was used or threatened to be used, or which activity resulted in physical injury to any person; Person issued warning will be barred from returning to the property for a period of **Five Years**
6. Have been involved in or suspected of being involved in drug related activity that is loitering on or in view of Authority property; Person issued warning will be barred from returning to the property for a period of **Five Years**
7. Have been convicted of drug related activity; Person issued warning will be barred from returning to the property for a period of **Five Years** (concurrent with probation)

The Authority encourages its residents to inform their guests to remain within the confines of the yard of the dwelling residents they are visiting when outside of the residence. Likewise, Any person entering on Authority properties to utilize facilities (i.e. playgrounds, basketball courts, etc.) must be a guest and in the physical presence (or company) of a household member who is on the lease of the property visited.

The warning shall be issued to such person or persons by Police Officer or Authority personnel. A copy of the warning as issued shall be filed with the Executive Director of the Authority or other appropriate officials of the Authority.

Any person who has received a warning to leave the property under the provisions of this policy and who returns to the Authority property within the proscribed period of time from the date the warning was issued, shall be subject to arrest for criminal trespass as provided for in TCA Section 39-14-405 & Section 39-14-406 and under the laws of the municipality.

Any person who returns to the property of the Authority and who is found to be on said premises shall have the times enumerated herein extended to a term of up to twice the original term or expiration of the notice issued by the Authority.

Any person who is barred from the Authority property three times is subject to a lifetime ban from entering any Authority property.

A copy of the notice and related documents shall be maintained by the Authority. The names of the persons receiving the trespass notice shall be maintained by the local Police Department for use in their official capacities.

The date of expiration of the notice shall be written on the notice form.

### ***Appealing a Written Warning***

Any person being served the notice who desires to contest the issuance of a criminal trespass

warning should do so in writing addressed to the Executive Director. Any person filing an appeal may attach thereto-relevant supporting statements from other persons and other appropriate and reasonable documentary evidence. After review, the Executive Director or designated employee shall have the authority to continue the circumstances, which shall be equitable, when considering all the factors involved. Any changes shall be given to the local law enforcement agencies.

Any person who disagrees with the determination of the Executive Director or designated representative may request a review by the Authority's Board of Commissioners. The decision by the Board of Commissioners shall be final.

### ***Special Permissions***

During the term of the trespass notice, the Authority shall have the authority, under special circumstances and pursuant to the written application of the person as described above to give written special permission for the person to be on the Authority property at a particular time and for a particular purpose. Said permission shall only apply for the specific purposes and for the specific times in the letter. Said special permission shall not constitute a waiver of the provisions of the original notice, except for the specific terms and conditions of the special permission letter in this paragraph. Said letter shall be in the possession of the person while he/she is on the Authority property, and shall be produced upon demand by an employee or law enforcement officer.

If the person fails to produce said letter, he/she shall be deemed to be in violation of the original trespass notice.

## **TRESPASS NOTICE PROCEDURES**

It is the policy of the Authority for persons to be charged with criminal trespassing in the Authority's communities when such person meets certain criteria. A person to be charged with criminal trespassing must have knowingly entered or remained unlawfully upon the premises of the Authority and committed an offense such as those listed under the Section titled "*Issuing Non-Resident Warning*"

The Authority shall in good faith attempt to have the written notice attached hereto served on the person charged with criminal trespass by hand delivery.

The person will be requested to acknowledge receipt of the notice by his or her signature on the notice. If the person refuses to sign the notice, the issuing person shall write "Refused to Sign" on the place designated for the signature.

If possible, a picture of the person shall be made for inclusion in the file for future reference.

A copy of the notice and related documents shall be maintained by the Authority. The names of the persons receiving the trespass notice shall be maintained by the local Police Department for use in their official capacities.

The date of expiration of the notice shall be written on the form.

Adopted by Board Resolution \_\_\_\_\_ on \_\_\_\_\_

# NOTICE OF CRIMINAL TRESPASS

NAME: \_\_\_\_\_ DOB: \_\_\_\_\_ SSN: \_\_\_\_\_

ADDRESS: \_\_\_\_\_ SEX: \_\_\_\_\_ RACE: \_\_\_\_\_

Driver License \_\_\_\_\_ Height \_\_\_\_\_ Weight \_\_\_\_\_ Hair \_\_\_\_\_ Eyes \_\_\_\_\_

In accordance with **TCA Section 39-14-405**, this letter is to advise you that **EFFECTIVE IMMEDIATELY** you are restricted from entering upon any property belonging to the Housing Authority including:

You are restricted from entering the Authority property at any time or for any reason without prior knowledge and consent of the Authority management **until the date of expiration of this Notice as indicated below.** This restriction shall include all common areas such as offices, community buildings, shops, warehouses, playgrounds, parking lots, sidewalks, etc., as well as individual apartments, porches, and yards all being the property of the Authority.

Any person being served the notice who desires to contest the issuance of a criminal trespass warning should do so in writing addressed to the Executive Director. Any person filing an appeal may attach thereto-relevant supporting statements from other persons and other appropriate and reasonable documentary evidence. After review, the Executive Director or designated employee shall have the authority to continue the circumstances, which shall be equitable, when considering all the factors involved. Any changes shall be given to the local law enforcement agencies.

If you trespass, the Authority will prosecute you to the full extent that the law allows.

Executive Director  
Lebanon Housing Authority  
49 Upton Heights  
Lebanon, TN 37088

**Date Served:** \_\_\_\_\_ **Time Served:** \_\_\_\_\_

Received By: \_\_\_\_\_

Served By: \_\_\_\_\_

Location of Offense: \_\_\_\_\_

Photos: YES  NO  Arrested: YES  NO  Evicted: YES  NO  Warned: YES  NO

NOTES: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

This Notice expires on \_\_\_\_\_ (from date of service)

## SPECIAL VISIT PERMISSION

DATE ISSUED: \_\_\_\_\_

This is to advise that \_\_\_\_\_, who has previously been issued a written notice of trespassing by the Authority, has permission to visit:

Name of Resident or Place to Visit: \_\_\_\_\_

Relationship: \_\_\_\_\_

Address: \_\_\_\_\_

Reason for Visit: \_\_\_\_\_

Date/s of Visit/s: Start: \_\_\_\_\_ End: \_\_\_\_\_

Time/s: From: \_\_\_\_\_ To: \_\_\_\_\_

Expires: \_\_\_\_\_

### IMPORTANT

This Document gives \_\_\_\_\_ permission to be at the above location on the time/s and date/s indicated for the reason/s stated. Travel to and from the indicated location must be by the most direct route. This does not give permission for the above-named person to be on or in any other **housing authority** owned apartment, building or grounds.

**THIS DOCUMENT MUST BE IN THE POSSESSION OF THE ABOVE-NAMED PERSON WHEN ON HOUSING AUTHORITY PROPERTY!!**

This Special Visit Permission expires on: \_\_\_\_\_  
Expiration Date

\_\_\_\_\_

Housing Authority Official



LEBANON POLICE DEPARTMENT  
406 Tennessee Boulevard  
Lebanon Tennessee 37087  
Criminal Trespass  
Suspect Information Log

Location of Offense: \_\_\_\_\_  
\_\_\_\_\_

Responding Officer: \_\_\_\_\_

Case Number: \_\_\_\_\_ - \_\_\_\_\_

Date: \_\_\_\_\_

Time: \_\_\_\_\_

Arrested: YES  NO

Evicted: YES  NO

Warned: YES  NO

NOTES: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_