



Housing Authority of the City of Columbia, Missouri

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Columbia Housing Authority Safety Department

CHA TRESPASS POLICY AND PROCEDURES

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I. Definition

Trespass: A person commits the crime of trespass if (s)he knowingly enters unlawfully or knowingly remains unlawfully in a building or inhabitable structure; or upon real property if the property is fenced or otherwise enclosed in a manner designed to exclude intruders; or notice against trespass is given by actual communications to the suspect; or posting in a manner reasonably likely to come to the attention of the intruders. (Handbook for Law Enforcement Officers)

II. Purpose

The purpose of the Trespass List is to develop a listing of people who frequent CHA property and who have been involved in the following acts on or off CHA property and to deny them legal access to all or a portion of CHA property.

- A. Assault/Adult Abuse/Stalking
- B. Illegal Drug Possession; Sales of Illegal Drugs; Prostitution; Gambling; other Vice Crimes
- C. Harassment
- D. Peace Disturbance
- E. Property Destruction
- F. Larceny/ Burglary/Robbery/Arson

- G. Weapons Related Offenses
- H. Sex Offenses/Child Molestation/Child Abuse
- I. Rioting/Refusal to Disperse
- J. Ethnic Intimidation
- K. Other Criminal Acts
- L. Unusual Resident/Guest Behavior (that threatens the health and safety of other residents and CHA employees)
- M. Gang member

III. Procedure

A. **Trespass Warning**

1. CHA Safety Staff *or a Columbia Police Officer* may, when circumstances warrant, issue trespass warnings to individuals at the request of an involved resident, a CHA employee or upon their own initiative.
2. Upon receipt of information or a complaint or after direct observations, an investigation by the Safety Staff will occur to determine the facts that may warrant a trespass warning being given.
3. When circumstances warrant, an attempt will be made to identify the suspect. This is accomplished by verbally requesting name and other identifying information from the suspect. The suspect is then verbally advised that they must leave CHA property and to not return. The suspect will also be advised that should they return to CHA property they will be arrested and prosecuted for the crime of Trespassing.
4. Whenever possible a Trespass Warning form is filled out. Efforts should be made to give to those receiving a Trespass Warning, a copy of the Trespass Warning along with a card listing all CHA properties.
5. Circumstances vary; therefore the scope of the Trespass Warning may vary. It may be issued for a specific address, a limited number of addresses (such as Oak Towers), or all CHA property. Examples include the following:
 - a) Two residents arguing or fighting - trespass warnings may be given to each resident for the other's residence.
 - b) Residents on the third floor of Paquin Towers are having problems with a fourth floor Paquin Tower resident who is getting drunk and beating on their doors at 2:00 AM in the morning. The fourth floor resident is given a Trespass Warning for only the third floor of Paquin Tower.
 - c) A resident living at 700 Allen WW is engaged in the distribution of drugs to the neighborhood and in fact is arrested after a search warrant is served on their apartment. A Trespass Warning is given to the resident for all CHA property except 700 Allen WW, their residence, pending other actions by CHA staff.

6. The Trespass Warning form and accompanying detailed report will then be forwarded to the *Director of Safety (DOS)* for review, approval or modification and entry onto the Trespass Warning List (Excel spreadsheet). Following review by the *DOS*, the incident report and warning form will be placed in the Alpha Files for future reference.

B. Effects of Trespass Warning

The giving to a person of a Trespass Warning shall be deemed to be the giving to such person of Legal Notice that he or she is barred and prohibited from entering upon or within any CHA property, to the extent described in such Warning, and any subsequent entry into or upon CHA property in violation of the restrictions set forth in the Trespass Warning shall be deemed to be a Trespass, and shall be reportable to police and other authorities as such, and shall be so reported as such, and shall subject the person to whom the Notice has been given to legal prosecution for Trespass.

C. Trespass Arrest

1. At such time as any Safety Officer observes or is made aware that a person on the Trespass List is on CHA property, the Safety Officer will document and investigate the allegation. When circumstances warrant, the Safety Officer will request a police officer be dispatched to take a report and arrest the trespass suspect.
2. *If the suspect leaves prior to the police officer's arrival, the Safety Officer may follow the suspect until police arrive on scene, at a safe distance and in such a manner not to pressure the suspect to place themselves in danger,. If the suspect is not located by police, the Safety Officer will request a police report be made detailing the act of trespassing and a Warrant Request be done.*
3. Safety Officers must always approach allegations of trespassing cautiously. Fictitious incidents have been reported to this Department alleging trespassing when in fact the caller's intention was to harass the resident. Reasonableness as to the time of the investigation is also mandated. An investigation that is appropriate at 9:00 PM may not be appropriate at midnight or 1:00 AM. The source of the information, the seriousness of the allegations, the necessity for an immediate investigation and other common sense factors will determine when a Safety Officer will investigate or follow-up with a trespassing investigation.

D. Use of Restraint/Force/Discretion

Safety Officers are expected to use common sense and not enter into or remain in a dangerous situation that could result in violence. If such a situation occurs, Safety Officers are to immediately withdraw from the situation and contact the police for assistance. *Safety Officers will not use any kind of restraint or physical force to subdue or restrain a suspect who attempts to leave.* When appropriate, a request may be made of the suspect to wait for the police to arrive; however,

their movement should not be restricted in any way. Safety Officers have every right to defend themselves as they withdraw from a bad situation.

Commissioned Police Officers who are employed by CHA are authorized by CHA to restrain and or arrest when special circumstances occur and it is in their judgement an arrest is the best course of action.

E. Trespass Appeal and Removal from the Trespass List

1. Following the issuance of a Trespass Warning, the suspect may request to have his/her name removed from the Trespass List. Information will be provided to the suspect about how this is done.
2. The suspect will be advised to go to the Administration Building at 201 Switzler to pick up the Trespass Appeal Form.
3. The form should be completed by the suspect, and returned to the Administrative Assistant. The Administrative Assistant will then date-stamp the form and forward it to the *DOS* for formal review. NOTE: Only the suspect and/or the suspect's parent if the suspect is a juvenile may fill out and submit the form.
4. The *DOS* within a reasonable period of time will then make a decision to do one of the following:
 - a) Trespass Warning continued in effect.
 - b) Trespass Warning modified.
 - c) Trespass Warning discontinued.
5. The suspect will be notified in writing of the *DOS's* decision. The *DOS* will not discuss the results of the review with the suspect or family members prior to the suspects receipt of the letter. All communication concerning the *DOS's* decision will be in written format to prevent misunderstandings in what the *DOS* may or may not have said at a later time.
6. If the trespass suspect is not satisfied with the decision of the ~~DOS~~, *DOS* the suspect may appeal the decision to the Chief Executive Officer again using the Trespass List Appeal Form (Second Appeal) and the above described process.
7. The Chief Executive Officer will then review the appeal and will decide to do one of the following:
 - a) Trespass Warning continued in effect.
 - b) Trespass Warning modified.
 - c) Trespass Warning discontinued.
8. One appeal per year to both the ~~DOS~~ *DOS* and the Chief Executive Officer is permitted. The Chief Executive Officer's decision is final.

9. Verbal permission will never be given by the Safety Staff to violate the conditions of the Trespass Warning. The CEO or *DOS* or Acting *DOS* can, when circumstances warrant, make a temporary change in the conditions outlined in the original trespass warning. The new conditions will be in written form and shall include the dates and times of the change and details of the special circumstances. This person will be directed to carry the letter detailing the temporary changes with them and to immediately deliver it to any police officer or CHA employee requesting the information. This does not prevent a CHA Safety Officer, a police officer or other employee from escorting the individual onto CHA property to obtain personal property or conduct necessary business when appropriate. Employees must remain with the person on the Trespass List while they are on CHA property to prevent arrests for Trespassing.
10. The Trespass List will be maintained by the *Director of Safety*
11. *Exceptions:*
 - a) Unless specifically detailed in the Trespass Warning, the suspect may go to the Administration Building to conduct business.
 - b) Residents on the Trespass List may also go to their Site Managers office or Resident Services Office unless the Trespass Warning specifically prohibits such action.
 - c) People who are on the Trespass List may go to the Soup Kitchen at 616 Park Avenue during their open hours for the.
 - d) Residents on the Trespass List may go to their area dumpster, mailboxes and their nearest CHA laundry facility.
 - e) Residents living in either Oak or Paquin Tower may access all the common areas on the first floor and for those at Paquin Tower the ground level as well.
 - f) Any of the above exceptions may be modified depending on the nature of the allegations with the exception of their mailbox's.

F. Trespass List Review

1. As a general guideline one, three, and five years are the time periods used to automatically evaluate the possible removal of an individual's name from the Trespass List. There is no automatic date assigned when a person on the Trespass is removed from the list.
2. Trespassers having committed minor infractions, disturbances, verbal threats, etc. will generally have their name removed from the Trespass List one year from the date of the last known incident or relevant arrest as determined by the DOS. (Example: A person is involved in a verbal disturbance and *is* then given a trespass warning. Following the warning, he is arrested for another peace disturbance and then later arrested for phone harassment. The one-year counting period begins again with the date of each subsequent reported violation.)
3. Trespassers committing more serious violations such as misdemeanor assaults, misdemeanor stealing, misdemeanor possession of marijuana,

etc. shall generally have their names removed from the Trespass List three years from the date of the last known incident or relevant arrest as determined by the *DOS*.

4. Trespassers committing crimes such as felony assault, felony drug possession and or sales, burglary, etc. shall generally have their names removed from the Trespass List five years after the last known incident or relevant arrest as determined by the *DOS*.
5. Included in the Trespass List Excel document will be an assigned review date, in which the file will be automatically pulled and reviewed. This will typically occur during the quarter within which the date of review occurs and not necessarily on the exact listed date.
6. Individuals who violate the trespass warnings by being observed on CHA property and or arrested for same are not eligible to be removed from the list until the time periods listed above are met beginning from the time of the reported trespass or most recent relevant incident.
7. On rare occasions because of the particularly heinous nature of a crime, the *DOS* may determine that the automatic review date be extended beyond the above stated guidelines. Examples of this could include the following: sale of drugs to juveniles, assaults with serious injuries, homicides, sexual assaults, child abuse with significant injuries and possibly other very serious criminal acts.
8. Nothing contained herein shall restrict the ~~Administrative Safety Officer~~ Director of Safety or the Chief Executive Officer from reducing the time periods listed or extending the time periods when he/she believes it is appropriate to do so.

G. Procedure for Review

1. Alpha Files will be requested from the Administrative Secretary on a regular basis, typically quarterly.
2. A review form will be stapled to the left side of the suspect's folder.
3. A review of the file will take place and a determination made that will include one of the following:
 - a) Trespass Warning Continued
 - b) Trespass Warning Modified
 - c) Trespass Warning Discontinued
4. The *Department of Safety* will be responsible for actual removal of a name from the computerized Trespass List.
5. Files will then be returned to the Administrative Secretary.