

OFFICE OF THE CHIEF OF POLICE

ADMINISTRATIVE ORDER NO. 8

December 10, 2024

SUBJECT: TRESPASS WARNING AND TRESPASS ARREST AUTHORIZATION – REVISED; TRESPASS WARNING, FORM 03.21.00 – REVISED; AND, TRESPASS ARREST AUTHORIZATION, FORM 03.21.01 – REVISED

BACKGROUND: On October 7, 2023, Governor Newsom signed California Senate Bill (SB) 602 – Trespass, into law. The Bill requires law enforcement agencies to accept an electronic, notarized request for assistance from a property owner, the owner’s agent, or the person in lawful possession of the property as a standing request for any future instance when an individual trespasses on their property. The Bill also extends the maximum period of time for which the request is deemed valid from 30 days to a 12-month period, when the premise or property is closed to the public and posted as being closed.

PURPOSE: The purpose of this Order is to revise Department Manual Section 4/276.10, *Trespass Warning and Trespass Arrest Authorization*, to reflect the change in the law and augment Office of the Chief of Police Notice, dated December 28, 2023. Additionally, this Order revises the Department’s Trespass Warning, Form 03.21.00, and Trespass Arrest Authorization, Form 03.21.01, to include a notarized statement.

PROCEDURE:

- I. TRESPASS WARNING AND TRESPASS ARREST AUTHORIZATION – REVISED.** Department Manual Section 4/276.10, *Trespass Warning and Trespass Arrest Authorization*, has been revised. Attached is the Manual section with revisions in italics.
- II. TRESPASS WARNING, FORM 03.21.00 – REVISED.** The Trespass Warning, Form 03.21.00, has been revised to reflect the provisions of Senate Bill 602 and is attached.
- III. TRESPASS ARREST AUTHORIZATION, FORM 03.21.01 – REVISED.** The Trespass Arrest Authorization, Form 03.21.01, has been revised to reflect the provisions of Senate Bill 602 and is attached.

FORM AVAILABILITY: The Trespass Warning and Trespass Arrest Authorization Forms are available in E-Forms on the Department’s Local Area Network (LAN). Copies of the forms are attached for immediate use and duplication. All other versions of the form are obsolete and shall be discarded in Area/divisional recycling bins.

AMENDMENT: This Order amends Section 4/276.10 of the Department Manual.

AUDIT RESPONSIBILITY: The Commanding Officer, Audit Division, shall review this directive and determine whether an audit or inspection shall be conducted in accordance with Department Manual Section 0/080.30.

A handwritten signature in blue ink, appearing to read "J.M. McDonnell". The signature is stylized and cursive.

J.M. McDONNELL
Chief of Police

Attachments

DISTRIBUTION "D"

**DEPARTMENT MANUAL
VOLUME IV**

Revised by Administrative Order No. 8 , 2024

276. TRESPASS.

276.10 TRESPASS WARNING AND TRESPASS ARREST AUTHORIZATION.

Officer's Responsibilities. Whenever an officer determines that an individual has entered upon private property (including private property open to the general public) without lawful permission, in violation of Los Angeles Municipal Code (LAMC) Sections 41.24(a), 41.24(b), or 41.24(d), the officer shall advise the individual that *they are* trespassing. Additionally, the officer shall check with the *Area/division* of occurrence to determine if a Trespass Arrest Authorization, Form 03.21.01, is on file for that location, *authorizing arrest(s) at the request of owner, the owner's agent, or the person in lawful possession of the property.*

If the officer determines that the individual has entered the subject property without permission in violation of LAMC Section 41.24(b) or 41.24(d), the officer shall check to determine if there is a Trespass Warning, Form 03.21.01 [or any other documentation, such as a Field Interview Report, Form 15.43.00, a Computer Aided Dispatch (CAD) Summary Report, or a Daily Field Activities Report, Form 15.52.00] on file, documenting that the suspect has been previously warned.

Note: Per LAMC Section 41.24(e), the term “**private property**” shall mean any real property, including but not limited to, buildings, structures, yards, open spaces, walkways, courtyards, driveways, carports, parking areas and vacant lots, except land which is used exclusively for agricultural purposes, owned by any person or legal entity other than property owned or lawfully possessed by any governmental entity or agency.

If there is a Trespass Warning *form* on file for LAMC Sections 41.24(a), 41.24(b), or 41.24(d), the violator will be subject to arrest. If there is a Trespass Arrest Authorization *form* on file and the violator is in violation of LAMC Section 41.24(a) without a previous Trespass Warning *form*, the violator will be subject to arrest. If there is a Trespass Arrest Authorization *form* on file and the violator is in violation of LAMC Section 41.24(b) or 41.24 (d) without a previous Trespass Warning *form*, the violator shall be warned via a Trespass Warning *form*. A copy of the Trespass Arrest Authorization and the Trespass Warning *forms* shall be attached to the arrest report.

Note: *Per California Senate Bill 602, the Department shall accept an electronic, notarized request for assistance, via a Trespass Arrest Authorization, Form 03.21.01, from a property owner, the owner's agent, or the person in lawful possession of the property as a standing request for any future instance when an individual trespasses on their property. The maximum period of time for which the request is deemed valid is 12 calendar months when the premise or property is closed to the public and posted as being closed.*

Note: The original, or copy of a notarized and electronically submitted Trespass Arrest Authorization *form*, and the Trespass Warning shall remain in the *Area/divisional* Trespass Warning notebook where it is readily accessible.

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Revised by Administrative Order No. 8 , 2024**

***Note:** A fully executed Trespass Arrest Authorization form shall expire upon transfer of ownership of the subject property, upon a change in the person in lawful possession, or upon the conclusion of the “dates of authorization” indicated on the form.*

If there is **not** a Trespass Arrest Authorization or Trespass Warning *form* (or any other documentation, such as a Field Interview Report or CAD Summary Report) on file, the violator shall be warned and a Trespass Warning *form shall* be completed for LAMC Section 41.24(a), 41.24(b), or 41.24(d). The officer shall request that the violator sign the Trespass Warning *form*. If the violator refuses to sign the Trespass Warning *form*, the officer shall print “Refused” on the violator’s signature line followed by the officer’s initials. The original document and one copy shall be *submitted* to the watch commander.

Note: An individual who was previously warned via a Trespass Warning for Section 41.24(a), 41.24(b), or 41.24 (d), will be subject to arrest when the warning and arrest are for the same property.

Watch Commander’s Responsibilities. *Upon receiving an original and a copy of a Trespass Warning, Form 03.21.00, or a Trespass Arrest Authorization, Form 03.21.01, they shall review the forms for accuracy and completeness. They shall submit both documents to the Area/division subpoena control officer.*

Subpoena Control Officer’s Responsibilities. Subpoena control officers shall ensure that the original Trespass Arrest Authorization and Trespass Warning are retained in a notebook *titled “Trespass.”* A copy shall also be placed in an additional three-ring notebook where it is readily accessible to Department personnel. *Subpoena control officers shall also monitor, retrieve, and catalogue any notarized Trespass Arrest Authorization form received via electronic transmission (i.e., email) in the Trespass Warning Notebook.*

Commanding Officer’s Responsibilities. Commanding officers shall ensure that *their geographic Area/division establishes and/or maintains a regularly monitored email account designated to receive notarized Trespass Arrest Authorization forms from community members within their Area.*

***Note:** Commanding officers, or their designee, shall ensure that the email account is communicated to their respective Area community members.*

*Commanding officers shall ensure that a notebook, titled “Trespass Warning Notebook,” is maintained by the division’s subpoena control office to retain original **hardcopies** and a **print out of an electronically submitted** Trespass Arrest Authorization and **completed** Trespass Warning forms. An additional Trespass Warning notebook shall also be maintained at the Area’s front desk for use by field personnel. Commanding officers shall ensure that copies of **completed** Trespass Arrest Authorization and Trespass Warning forms are purged from **both notebooks** once they have reached their 12-month expiration date.. These expired forms shall be stored per the Department’s records retention procedure (See Department Manual Section 5/050, Records Retention Program) in the Area office.*

LOS ANGELES POLICE DEPARTMENT

JIM McDONNELL
Chief of Police



KAREN BASS
Mayor

P.O. Box 30158
Los Angeles, CA. 90030
Telephone: _____
TDD #: (877) 275-5273
Ref #: _____

TRESPASS WARNING

- The below person does not have permission to be on this private property or portion of private property not open to the general public without the consent of the owner, owner's agent, or the person in lawful possession of the property, as indicated by the signs posted forbidding entry. This person is being formally warned and requested to leave the property. If this person returns to the property without permission after having received this warning, this person will be subject to arrest as being in violation of Los Angeles Municipal Code (LAMC) Section 41.24(a).
- The below person does not have permission to be on this private property or portion of private property not open to the general public and with no signs posted. This person is being formally warned by the owner, owner's agent, person in lawful possession of the property or a peace officer at the request of the aforementioned persons and requested to leave the property and not return. If this person returns to the property without permission from the owner, owner's agent, or person in lawful possession of the property within the next six months after having received this warning, this person will be subject to arrest as being in violation of LAMC Section 41.24(b). This subsection will not apply to the warned person if this person enters the property within six months and this person is authorized to do so by the owner, owner's agent, or a person in lawful possession of the property. This form for this subsection shall be retained by the Los Angeles Police Department for one year.
- The below person is being formally requested to leave the private property or portion of private property and not return and is being warned that if they returns to the property within 24 hours, they will be subject to arrest. If this person returns to the property without permission within the next 24 hours after having received this warning, this person will be subject to arrest as being in violation of LAMC Section 41.24(d). This is private property, or a portion of private property open to the general public and the request is rationally related to the services performed or the facilities provided. This advisement shall be made by the owner, owner's agent, person in lawful possession of the property or a peace officer at the request of the aforementioned persons.

Exception: Per LAMC Section 41.24(h), the entire LAMC 41.24 section shall not apply in any of the following instances:

- (1) When its application results in, or is coupled with, any act prohibited by the Unruh Civil Rights Act, or any other provision of law relating to prohibited discrimination against any person;
- (2) When its application results in, or is coupled with, an act prohibited by Section 365 of the California Penal Code, or any other provision of law relating to the duties of innkeepers;
- (3) When public officers or employees are acting within the course and scope of their employment or in the performance of their official duties; or,
- (4) When persons are engaging in activities protected by the United States Constitution or the California Constitution or when persons are engaging in acts which are expressly required or permitted by any provision of law.

(Print the below information)

DATE: _____ TIME: _____ LOCATION WARNED: _____

TYPE OF PROPERTY INVOLVED: RESIDENTIAL: Commercial: Type _____

PERSON WARNED: _____

Hair: _____ Eyes: _____ Height: _____ DOB: _____ Descent: _____ Sex: _____

Home Address: _____

Reason(s) given for being at location: _____

AN EQUAL EMPLOYMENT OPPORTUNITY EMPLOYER
www.LAPDonline.org
www.joinlapd.com

Signature of Person Warned: _____

(If the individual refuses to sign, print "Refused" on the signature line, followed by the officer's initials)

Officer's Name: _____

Serial No: _____

Date: _____

City of Los Angeles
LOS ANGELES MUNICIPAL CODE SECTION 41.24
TRESPASS ARREST AUTHORIZATION

Los Angeles Police Department
_____ Area

Dates of Authorization:
From: _____ To: _____
(cannot exceed 12 months)

Property Address: _____

Type of Property: Residential _____ No. of Units _____ Commercial _____ Type _____

I am the owner/owner's agent/person in lawful possession of the above referenced property. I request and authorize the Los Angeles Police Department to enter the above property and enforce Los Angeles Municipal Code (LAMC) Section 41.24. This Trespass Arrest Authorization by itself does not include the interior of a lawfully occupied residential unit.

Exception: Per LAMC Section 41.24(h), the entire LAMC 41.24 section shall not apply in any of the following instances:

- (1) When its application results in, or is coupled with, any act prohibited by the Unruh Civil Rights Act, or any other provision of law relating to prohibited discrimination against any person;
- (2) When its application results in, or is coupled with, an act prohibited by Section 365 of the California Penal Code, or any other provision of law relating to the duties of innkeepers;
- (3) When public officers or employees are acting within the course and scope of their employment or in the performance of their official duties; or,
- (4) When persons are engaging in activities protected by the United States Constitution or the California Constitution or when persons are engaging in acts which are expressly required or permitted by any provision of law.

[CHECK APPLICABLE PARAGRAPH(S)]

Posted sign on property not open to the general public, LAMC Section 41.24(a)

My property has been posted with signs containing text at least two inches high stating: "THIS PROPERTY CLOSED TO THE PUBLIC. No Entry Without Permission. LAMC SEC. 41.24" in accordance with LAMC Section 41.24(f). I authorize the Los Angeles Police Department to arrest, for a violation of LAMC Section 41.24(a), anyone on my property who is not a lawful resident, guest, or visitor and not exempted under LAMC Section 41.24(h).

Unposted property not open to the general public, LAMC Section 41.24(b)

I authorize the Los Angeles Police Department, pursuant to LAMC Section 41.24(b), to advise persons who are not lawful residents, guests, visitors, and not exempted under LAMC Section 41.24(h), to leave my property and not return for six months, and to arrest such

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TRESPASS ARREST AUTHORIZATION

person for a violation of LAMC Section 41.24(b), if he or she returns within six months. If this person, who was advised not to return, enters the property within the six months and was authorized by the owner, owner's agent, or person in lawful possession to enter the property, then it is not a violation of this subsection.

Note: Los Angeles Police Department officers shall check with the Area front desk if a Trespass Warning, Form 03.21.00, was issued within the past six months of the current incident. If a Trespass Warning was issued within the past six months of the current incident, and the violator violated the Trespass Warning, he or she shall be arrested for this subsection. A Trespass Warning is required to be issued to the violator within the past six months of the current incident prior to arresting the violator for this subsection if the violator violates the Trespass Warning again.

Property open to the general public, LAMC Section 41.24(d)

My property is open to the general public between the hours of ____ to ____ . I authorize the Los Angeles Police Department to advise persons, pursuant to LAMC Section 41.24(d), to leave the premises for 24 hours if the request to leave is rationally related to the services performed or the facilities provided on the property. I further authorize the Los Angeles Police Department to arrest, for a violation of LAMC Section 41.24(d), anyone who has been so notified and refuses to leave or returns within 24 hours.

Note: Los Angeles Police Department officers shall check with the Area front desk if a Trespass Warning was issued to the violator within the past 24 hours of today's incident. A Trespass Warning is required to be issued to the violator within the past 24 hours of today's incident, prior to arresting the violator for this subsection if the violator violates the Trespass Warning again.

I, or my authorized agent, will cooperate fully in the prosecution of anyone who is arrested for a violation of any local or state law, including trespassing or vandalism.

Name of the manager of the aforementioned property: _____

Preferred method of communication (Select one): Email ___ Phone ___

Telephone No.: _____ Email Address: _____

Sincerely,

Signature: _____

Name of Person Reporting: _____

Telephone No.: _____ Email Address: _____

City of Los Angeles
LOS ANGELES MUNICIPAL CODE SECTION 41.24
TRESPASS ARREST AUTHORIZATION

CALIFORNIA ALL PURPOSE ACKNOWLEDGEMENT CIVIL CODE § 1189

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA

COUNTY OF _____

On _____, before me, _____ Notary Public,
(here insert name and title of the officer)

personally appeared _____

_____ who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument, the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.