

Memorandum



CITY OF DALLAS

DATE: February 5, 2016

TO: Honorable Members of the Public Safety Committee:
Adam Medrano (Chair), B. Adam McGough (Vice Chair), Sandy Greyson, Tiffinni A. Young,
Jennifer S. Gates, Philip T. Kingston

SUBJECT: **Criminal Trespass Affidavit Program**

On Monday, February 8, 2016, you will be briefed on the Criminal Trespass Affidavit Program by Deputy Chief Paul Stokes of the Dallas Police Department.

The briefing materials are attached for your review.

Please contact me if you have any questions or need additional information.

A handwritten signature in cursive script that reads "Eric D. Campbell".

Eric D. Campbell
Assistant City Manager

Attachment

cc: Honorable Mayor and Members of the City Council
A.C. Gonzalez, City Manager
Warren M.S. Ernst, City Attorney
Craig D. Kinton, City Auditor
Rosa A. Rios, City Secretary
Daniel F. Solis, Administrative Judge
Ryan S. Evans, First Assistant City Manager

Jill A. Jordan, P.E., Assistant City Manager
Mark McDaniel, Assistant City Manager
Joey Zapata, Assistant City Manager
Jeanne Chipperfield, Chief Financial Officer
Sana Syed, Public Information Officer
Elsa Cantu, Assistant to the City Manager – Mayor & Council



Criminal Trespass Affidavit Program

Public Safety Committee
February 8, 2016



Criminal Trespass

Texas Penal Code 30.05

- A person commits an offense if the person enters or remains on a property or in a building of another without effective consent and they had notice that the entry was forbidden or received notice to depart but failed to do so
- Entry means the intrusion of the entire body

Criminal Trespass Elements

- No effective consent
- **Notices** - Verbal, written, fencing/enclosure and signs
- **Signs** - At the entrance are visible and indicate forbidden entry when used in conjunction with the Criminal Trespass Affidavit (CTA) program



Criminal Trespass Penalty Grades

- Class “A” misdemeanor if the violator is in a habitation, Superfund, Critical Infrastructure Facility or when the suspect is carrying a deadly weapon while in commission of the offense
 - different than 30.06 and 30.07 referencing the carrying of a weapon by an individual Licensed To Carry (LTC) where posted that carrying is prohibited
- All other criminal trespasses are a class “B” misdemeanor
- Criminal trespass is **Never a Felony or a Breach of Peace**

Criminal Trespass Affidavit Program

- September 2008, the Dallas Police Department implemented the criminal trespass affidavits
- Allows officers, with written permission from property owners, to criminally trespass, remove, or arrest any violators found at the location without the representative's presence

Program Requirements

- Representative/Owner will complete a Criminal Trespass Affidavit and submit it to their local substation (valid for two years)
- Post “No Trespassing” warning signs in prominent locations throughout the property

Criminal Trespass Warnings

- Good for **60** days without a photo or **180** with a photo
- Must be given by an official representative of the company
- The complainant is the business or owner of the property

Criminal Trespass Warnings

- A police officer can not make a warrant-less jail arrest for criminal trespass when a security officer is holding the suspect against his will
- When this occurs, a criminal trespass card can be issued and the suspect released, even if the suspect was previously warned
- The suspect can be held and charged with criminal trespass only when the suspect is already under arrest for another charge and the suspect was previously warned

Criminal Trespass Arrest

- An individual arrested for trespassing will be charged with a violation of the Texas Penal Code Sec. 30.05, Criminal Trespass
- **The Property Owner / Representative** will be the person formally filing the criminal complaint against the violator(s) and their testimony will be needed for court

Benefits of the Program

- The program is working as intended
- Allows officers a **reason to contact** individuals on participating properties
- Allows officers to issue a **Criminal Trespass Warning or make an Arrest** without a representative of the property present

Enhancements to the Program

- **Officer Refresher Training** - continuing education on new technology and reporting system changes
- **Technology Updates**
 - Record Management System (RMS) access in the field
 - Incorporating in-car and Body Worn Camera video
- **Mechanism to gauge effectiveness of the program**
 - Separating Criminal Trespass arrests by type
 - Disposition of cases in court

Affidavits on File by District

District 1 - 93

District 2 - 684

District 3 - 63

District 4 - 111

District 5 - 39

District 6 - 158

District 7 - 173

District 8 - 133

District 9 - 113

District 10 - 148

District 11 - 193

District 12 - 154

District 13 - 93

District 14 - 298

Criminal Trespass Arrest by District

District 1 - 11

District 2 - 48

District 3 - 22

District 4 - 59

District 5 - 19

District 6 - 35

District 7 - 56

District 8 - 77

District 9 - 29

District 10 - 27

District 11 - 13

District 12 - 4

District 13 - 27

District 14 - 65

Major City Comparison

- Fort Worth, Austin, Houston, San Diego, District of Columbia, and Louisville Metropolitan Police Department are very similar to the DPD program
- Chicago, San Antonio, and Detroit - No Existing Program

Questions?