



Roll Call Training Bulletin

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Rick Braziel, Chief of Police

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Residential Trespass Violations

The Real Estate Fraud Unit, City Attorney's Office and PSU have established the following guidelines when dealing with residential trespass violations. There has been an increase in calls for service by owners of vacant residential properties that are being unlawfully occupied.

Complaints:

1. The increased numbers of vacant properties in the city have created an opportunity for fraud.
2. Absentee homeowners, and/or real estate agents with authority to manage vacant properties have found people living in homes that were supposed to be vacant.

How it works:

1. The occupants produce fraudulent rental agreements and receipts stating they rented the home from contact information obtained on a sign or internet posting.
2. The names and phone numbers the occupants provide are unidentifiable and not connected with anyone that has legal authority to rent the property.
3. The occupants may claim they paid thousands of dollars in cash to an unknown third party, but have no real source of income.
4. Many of the occupants will claim they are victims of fraud and wish to make a police report. These unlawful occupants are sometimes found to be second and third time "so-called victims", as they are found living in a vacant property after leaving another.
5. The occupant's goal is generally: 1) living in a home rent free, or 2) waiting for a cash payment from the legal owner to leave the property.

When responding:

1. Confirm the complainant is the property owner or has lawful authority of the owner to act as their agent.
2. Contact and identify all occupants on the property and explain the purpose for contact.
3. Obtain detailed statements from the complainant and occupants and ask for copies of paperwork they may have (lease agreement, receipts, etc.).
4. In some cases, the occupants may be legitimate victims who were tricked into believing they had rented the property legally. Explain to them they may be the victims of fraud and ask if they wish to make a crime report (532, 487 PC, etc.). Also, explain the ramifications of making a false report.
5. Attempt to mediate the situation and convince the occupants to vacate the property. If no crime report is desired by the occupants an Information Report should be generated to document the incident.
6. Have the owner/agent serve the occupants with a Notice of Trespass (SPD 114) and give both parties a copy of the notice. Insure a copy is forwarded to Records to be scanned into the report.
7. Based on the amount of personal property on the premises, determine a reasonable amount of time in which the occupants can vacate or a time they can return to retrieve their property. Note this in the report.



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Enforcement:

1. If occupants refuse to comply with the Notice of Trespass or do not voluntarily leave the property, explain they may be subject to arrest per 602.5 PC and may be booked into jail.
2. Explain the private persons arrest procedure to the owner/agent.
3. Once occupants have vacated the premises it is the owner/agent's responsibility to secure the premises.
4. Though a trespasser essentially has no standing to object to entry, officers should advise a supervisor prior to any forced entry into the premises and after other options have been exhausted.

These guidelines are not meant to circumvent the unlawful detainer/eviction process when the occupants are lawful tenants of the current or previous owner. In these cases the parties should be advised to seek a civil remedy regarding the occupancy.

Also refer to Office of Operations Order 538.02 – Trespass Violations. For more information or questions, please email Det. Mike Wood at mwood@pd.cityofsacramento.org.