

	<h1 style="margin: 0;">Garner Police Department</h1> <h2 style="margin: 0;">Written Directive</h2>	
	Chapter: 200 - Administration	
	Directive: 210.06 - Officers as Agents for Private Property	
Authorized by: Chief Brandon Zuidema		Effective Date: October 1, 2014
CALEA Standards: Not Applicable		Last Revision: November 14, 2006

210.6.1 - Purpose

The purpose of this policy is to establish guidelines and standards so that officers of the Garner Police Department can act as agents of property owners for the purpose of enforcing trespassing laws set forth by NCGS 14-159.13.

210.6.2 - Policy

It is the policy of the Garner Police Department to act as agents for property owners when they make formal requests and have met certain guidelines set forth by the Department.

210.6.3 - Definition

Officers as Agents: Garner Police Officers acting on the behalf of a property owner who has given the Department the authority to serve individuals with trespass notices and/or to arrest any violator of the trespassing statute.

210.6.4 – Authority and Responsibilities of Officers

- A. Officers have the authority to arrest suspects that have trespassed onto property designated as having officers as agents of the property owner.
- B. Officers have the authority to trespass an individual who is committing a crime or who is being disruptive in a manner that interrupts normal activity at a business or the decorum of a residential complex.
 - 1. During business hours, officers shall have the property owner or their agent trespass the suspect therefore reducing liability for the officer and the Department. If the owner/agent is not available, the officer may trespass the suspect themselves and note their attempt to reach the owner/agent as part of their report.
 - 2. Officers are authorized to trespass an individual anytime the business or property management office is closed without contacting the owner/agent.
 - 3. Officers may attempt to contact the property owner/agent after hours if there is a need for clarification or guidance from the owner/agent as to how to proceed regarding a trespassing issue.

210.6.5 - Requirements of Property Owners

- A. Property owners requesting to have officers of the Garner Police Department act as agents can make the request to any officer of the Department.

1. Property owners are required to sign and have notarized an *Officers as Agents* consent form (GPD form 210.6-A) that authorizes the Department to act as agents for the property owner. This consent form is valid for one year.
 2. The property owner will be required to inform the Department of any changes in the status of the owner, the property manager, or the property in question. The Department reserves the right to inspect the property annually before renewing the consent form.
 3. Property owners and their agents are advised and must agree to appear and testify in court when needed to ensure the conviction of a person charged with trespassing by an officer acting as an agent of the property.
- B. Property owners must meet the following requirements before officers are authorized to act as their agents for enforcing "No Trespassing" in violation of NCGS 14-159.13:
1. Property owners are required to post "No Trespassing" signs in conspicuous locations upon their property.
 2. Signs must be time specific as to when the public is not allowed on the property.
 3. Property owners must remove the following items that would lure the public to enter upon the property;
 - a. ATM machines,
 - b. Pay phones, and
 - c. Vending Machines (outside only).
- C. Officers are not authorized to enforce "No Trespassing" in violation of NCGS 14-159.13 for the following locations:
1. Hotels and motels,
 2. Businesses open 24 hours,
 3. Establishments with pay phones, ATM machines, vending machines, or any other services that may lure the public to it, or
 4. Parking lots assigned to any of the above type properties.

210.6.6 – Program Management

- A. The "Officers as Agents" program will be managed by the Records Unit.
1. All completed *Officers as Agents* consent forms will be forwarded to the Records Unit.
 2. Records Unit staff will enter all completed forms into the Department's Intranet to ensure regular access to the current list of properties for all Department personnel.
- B. The Records Manager will be responsible for coordinating an initial inspection as well as an annual inspection of any property where the property owner has authorized sworn officers of the Department to act on their behalf for trespassing.

1. Each inspection will be conducted by a sworn officer with the Department, will be documented on an *Officers as Agents Property Inspection Form* (GPD form 210.6-B), and will be forwarded to the Records Unit.
2. The annual inspection will ensure that the information the Department has for contacting the owner is current and will ensure compliance with this directive.