

## TRESPASS LETTER OF CONSENT

*A Trespass Letter of Consent (TLC) is a specifically worded, legal document which allows a police officer to take enforcement action, on your behalf, without contacting you first.*

*Police officers do not have the authority to go onto private property and remove individuals or request them to leave without the consent of the property owner. If an officer observes someone on private property, when the business is closed, or a problem is called in by someone who does not have the authority to sign a trespass complaint, FWPD must then contact the person who is legally responsible for the property. A Trespass Letter of Consent gives Federal Way Police officers permission to act on the property owner's/manager's behalf, in trespass situations.*

*Officers who observe trespassers on private property can then immediately address the problem, rather than be delayed in acting or be unable to take action at all.*

**A TRESPASS LETTER OF CONSENT SHOULD BE PROVIDED TO ANY BUSINESS REPRESENTATIVE OR PRIVATE RESIDENT WHO WISHES TO POST THEIR PROPERTY FOR TRESPASS ENFORCEMENT. THIS LETTER MUST BE FILED WITH THE POLICE DEPARTMENT PRIOR TO ANY ENFORCEMENT ACTION.**

[FEDERAL WAY PD MANUAL OF STANDARDS]



### WHAT IS THE LAW REGARDING TRESPASSING IN FEDERAL WAY?

Federal Way Revised Code, Chapter 6.30, which references Trespassing and Related Crimes.

RCW 9A.52.070 - Criminal Trespass in the first degree - A person is guilty of criminal trespass in the first degree if he or she knowingly enters or remains unlawfully in a building.

RCW 9A.52.080 - Criminal Trespass in the second degree - A person is guilty of criminal trespass in the second degree if he or she knowingly enters or remains unlawfully in or upon the premises of another under circumstances not constituting criminal trespass in the first degree.

RCW 9A.52.010(3) - "Premises" includes any building, dwelling, structure used for commercial aquaculture, or any real property.

RCW 9A.52.105 & 9A.52.115 also provide additional information regarding the removal of unauthorized persons.

In addition to filing the trespass letter, your property must be posted with "No Trespassing" signs for immediate enforcement action. These signs should not include any language directed at loitering as there is no law that can be enforced regarding loitering. If there is not a "No Trespassing" sign present, the Officer will issue a notice of trespass form for future enforcement.

NO TRESPASSING – VIOLATORS WILL BE PROSECUTED

#### PARTICIPATION DOES NOT INFER EXTRA PATROL

Your signed consent authorizes officers to take trespass enforcement action on your behalf. The police department must first be notified of the situation by a neighbor or concerned citizen, for example.

#### PARTICIPATION REQUIRES YOUR PRESENCE IN COURT IF AN ARREST OCCURS ON YOUR PROPERTY

In some cases, officers are able to resolve trespass complaints without arresting the involved subject. However, there are situations where the officer has no choice but to cite or arrest an alleged offender. In those instances, you will be expected to participate in any resulting legal action.



Should an officer respond to your property, he/she will be notified by dispatch if there is a Trespass Letter of Consent filed on the property. Once the letter has been confirmed, the officer will take appropriate action.

Notification is required if property ownership changes. If the status of your property changes in any way, you must notify the police department as soon as possible and arrange for your trespass letter of consent be updated or removed.

The Trespass Letter of Consent expires three (3) years from the first day of the month in which the authorization was granted. It is the property owner's responsibility to submit a renewal application to [Records.Request@cityoffederalway.com](mailto:Records.Request@cityoffederalway.com)

Applications are available at the Federal Way Police Department or email [Stand Up Federal Way Community at \[sufwcommunity@gmail.com\]\(mailto:sufwcommunity@gmail.com\)](mailto:StandUpFederalWayCommunity@sufwcommunity@gmail.com)

**Federal Way Police Department**  
33325 8<sup>th</sup> Avenue S., Suite 101  
Federal Way, WA 98003

FAX: 253-835-6898  
records.request@cityoffederalway.com

## TRESPASS LETTER

Date: \_\_\_\_\_ Expiration Date: \_\_\_\_\_  
(3 years from date signed)

Dear Federal Way Police:

I am requesting the assistance of the Federal Way Police in enforcing the criminal trespass law at my place of business/residence. I am the owner/manager of:

\_\_\_\_\_  
(Name of business/ residence/ parcel description and number)

Located at:

\_\_\_\_\_  
(List address including unit number if applicable / parcel description and number)

Business Phone: \_\_\_\_\_ After-hours contact: \_\_\_\_\_

I have information that unwanted subjects are trespassing and loitering in the parking lot at my business/residence/parcel and/or using said property for conducting less than legitimate business. I want to prevent this type of activity from occurring at my business. In an effort to do so, I have posted the property with signs saying:

### **NO TRESPASSING/NO LOITERING – VIOLATORS WILL BE PROSECUTED**

By this letter, I authorize officers of the Federal Way Police to advise non-customers/persons that they are trespassing and to take appropriate enforcement action against those who would loiter and engage in illegal activity at or in area/parking lot of my business.

I understand that non-customers/persons will be trespassed from my business/residence/parcel for three (3) years, unless otherwise specified to the officer issuing the trespass notice.

I will appear in court to testify as necessary regarding my having given Federal Way Police officers the authority to warn trespassers on my behalf and to take appropriate enforcement action. I will hold the City of Federal Way/Federal Way Police Department/Officers of the Federal Way Police Department harmless from liability or claim of liability if I fail to appear in court to testify for the prosecution.

\_\_\_\_\_  
(Print Name)

\_\_\_\_\_  
(Signature)

Title: \_\_\_\_\_ Date of Birth: \_\_\_\_\_

Home Address: \_\_\_\_\_  
(Number, Street, Unit, City, State, Zip)

Home Phone: \_\_\_\_\_ Cell Phone: \_\_\_\_\_

Email: \_\_\_\_\_