

CITY OF FAIRFAX POLICE DEPARTMENT

3730 Blenheim Boulevard Fairfax, Virginia 22030



Colonel Erin F. Schaible
Chief of Police

How Notices of Trespassing Are Issued

If you call police to your business for someone that is trespassing, police officers may issue a Notice of Trespassing to the trespasser. This notice bans the trespasser from returning to your property for one year from the date the notice was issued.

Criteria for officers to issue a Notice of Trespassing:

Before police officers can issue a Notice of Trespassing, they must first establish that the crime of trespassing has occurred. The crime of trespassing has only occurred when a person goes or remains upon “the lands, buildings or premises of another, or any portion or area thereof, after having been forbidden to do so, either orally or in writing,” by the person lawfully in charge of the property (Virginia Code §18.2-119).

After establishing that the crime of trespassing has occurred, officers must establish their lawful authority to issue a Notice of Trespassing. This can be established in one of two ways:

1. Your business has a valid Trespass Enforcement Authorization on file with the police department, or
2. You (i.e., the business representative) and the suspected trespasser are both on scene or in the immediate area of your business and you give police permission to issue a Notice of Trespassing.

If officers cannot satisfy one of the above criteria, they will not issue a Notice of Trespassing.

Issuance of Notice of Trespassing:

Once officers establish authority to issue a Notice of Trespassing, they will:

1. Conduct an investigation to determine if a crime has occurred.
Officers must witness the crime of trespassing to make an on-scene arrest or issue a summons. If officers do not witness the crime, they may present the case to a magistrate to determine if there is enough evidence to support a criminal charge. If a crime other than trespassing has occurred, officers may issue a citation or make an arrest for that crime in addition to issuing a Notice of Trespassing.

2. Confirm that you would like the trespasser banned from your property for one year.
Barring any safety concerns, you will be expected to verbally ban the trespasser while in the officers' presence. Officers can still assist you if you only want the trespasser to leave your property at the present moment.
3. Complete a Notice of Trespassing form and issue it to the trespasser.
Officers will not provide you with a copy of the Notice of Trespassing, but you may wish to maintain your own record of the event.
4. Ensure that the trespasser leaves the property.
If the trespasser refuses to leave the property, or if they have a history of trespassing at your business, they may be summoned or arrested. In such cases, you or an authorized representative of the business may be required to appear in court at a later date.
5. File the Notice of Trespassing with the police department.