

Chapter 23

CRIMINAL TRESPASS POLICY

GENERAL

The Independence Housing Authority, hereinafter referred to as the “IHA”, is aware of the problem its residents and IHA face with the unwanted presence of persons on, in or about the property of the IHA. Recognizing the seriousness of illegal drug activity, as well as other criminal activity, the IHA adopts the following policy in an effort to enhance the safety, health and well-being of its residents and its property.

The goal of the following policy is to reduce criminal activity involving drugs and other activity, which threatens the peace and tranquility desired for public housing and its residents. The following policy is to be implemented and carried out under the laws of the State of Missouri and the municipality.

Issuing Nonresident Warnings

The IHA considers any person who enters onto its properties without the authority or permission of management and /or residents as trespassers. The IHA shall cause a verbal or written warning to be issued to any nonresident who either has no legal right to be on the property of the IHA, or is not an invited guest of a resident. Said warning shall state that such persons shall not come on any property belonging to the IHA for the time periods described below under penalty of being prosecuted for criminal trespass under law. When practical, a trespass warning shall be in writing but the IHA shall have the right to rely on a verbal trespass warning that is documented in the IHA’s records. Such warning shall be given to non-residents who:

Engage in or has had a verbal or physical confrontation with law enforcement personnel, residents, guests, or IHA personnel on the property of the Authority; **Three Years**

Damage property of the IHA; **Three Years**

Engage in criminal activity on IHA property which is non-violent in nature, and which causes no physical injury to another person, or other activity that interferes with the quiet and peaceful enjoyment of the residents, which includes but is not limited to prostitution, public intoxication, theft of property, etc.; **Three Years**

Engage in activity on IHA property in which a deadly weapon was used or threatened to be used, or which activity resulted in physical injury to any person; **Five Years**

Have been involved in or suspected of being involved in drug related activity that is loitering on or

in view of IHA property; **Five Years**

Have been convicted of drug related activity; **Five Years** (concurrent with probation)

The IHA encourages its residents to inform their guests to remain in the yard of the dwelling residents they are visiting. Likewise, any person entering on IHA properties to utilize facilities (i.e. playgrounds, basketball courts, etc.) must be a guest and in the physical presence (or company) of a household member who is on the lease of the property visited.

The warning shall be issued to such person or persons by an Independence Police Officer and/or authorized IHA personnel. A copy of the warning issued shall be filed with the Executive Director of the IHA or other appropriate representatives of the IHA.

Any person who has received a warning to leave the property under the provisions of this policy and who returns to the IHA property within the proscribed period of time from the date the warning was issued, shall be subject to arrest for criminal trespass as provided for in Missouri Revised Statutes Section 569.140.1 & Section 569.145.1 and under the laws of the municipality.

Any person who returns to the property of the IHA and who is found to be on said premises shall have the times enumerated herein extended to a term up to twice the original term or expiration of the notice issued by the IHA.

Any person who is barred from the IHA property three times is subject to a lifetime ban from entering any IHA property.

A copy of the notice and related documents shall be maintained by the IHA. The names of the persons receiving the trespass notice shall be maintained by the Independence Police Department for use in their official capacities.

The date of expiration of the notice shall be written on the form.

Violation of Trespass Notice

Trespassed persons are in violation if they are:

- * In any IHA housing unit
- * On any IHA property
- * On a public sidewalk within an IHA housing development
- * In a vehicle on an IHA owned parking lot

Appealing a Written Warning

Any person being served the notice who desires to contest the issuance of a criminal trespass

warning should do so in writing addressed to the Executive Director, The Independence Housing Authority, 210 S. Pleasant St., Independence, Missouri 64050. Any person filing an appeal may attach thereto-relevant supporting statements from other persons and other appropriate and reasonable documentary evidence. After review, the Executive Director or designated employee shall have the authority to continue the circumstances, which shall be equitable, when considering all the factors involved. Any changes shall be given to the local law enforcement agencies.

Any person who disagrees with the determination of the Executive Director or designated representative may request a review by the IHA's Board of Commissioners. The decision by the Board of Commissioners shall be final.

Special Permissions

During the term of the trespass notice, the IHA shall have the authority, under special circumstances and pursuant to the written application of the person as described above to give written special permission for the person to be on the IHA property at a particular time and for a particular purpose. Said permission shall only apply for the specific purposes and for the specific times in the letter. Said special permission shall not constitute a waiver of the provisions of the original notice, except for the specific terms and conditions of the special permission letter in this paragraph. Said letter shall be in the possession of the person while he/she is on the IHA property, and shall be produced upon demand by an employee or law enforcement officer.

If the person fails to produce said letter, he/she shall be deemed to be in violation of the original trespass notice.

TRESPASS NOTICE PROCEDURES

It is the policy of The Independence Housing Authority for persons to be charged with criminal trespassing in the IHA's communities when such person meets certain criteria. A person to be charged with criminal trespassing must have knowingly entered or remained unlawfully upon the premises of the IHA and committed an offense such as:

Engage in or has had a verbal or physical confrontation with law enforcement personnel, residents, guests, or IHA personnel on the property of the IHA;

Damage property of the IHA;

Engage in criminal activity on IHA property which is non-violent in nature, and which causes no physical injury to another person, or other activity that interferes with the quiet and peaceful enjoyment of the residents, which includes but is not limited to prostitution, public intoxication, theft of property, etc.;

Engage in activity on IHA property in which a deadly weapon was used or threatened to be used, or

which activity resulted in physical injury to any person;

Have been involved in or suspected of being involved in drug related activity that is loitering on or in view of IHA property;

Have been convicted of a drug related activity.

IHA shall in good faith attempt to have the written notice attached hereto served on the person charged with criminal trespass by hand delivery.

The person will be requested to acknowledge receipt of the notice by his or her signature on the notice. If the person refuses to sign the notice, the issuing person shall write "Refused to Sign" on the place designated for the signature.

If possible, a picture of the person shall be made for inclusion in the file for future reference.

A copy of the notice and related documents shall be maintained by the IHA. The names of the persons receiving the trespass notice shall be maintained by the Independence Police Department for use in their official capacities.

The date of expiration of the notice shall be written on the form.

Any person being served the notice who desires to contest the issuance of a criminal trespass warning should do so in writing addressed to the Executive Director, The Independence Housing Authority, 210 S. Pleasant St., Independence, Missouri 64050. Any person filing an appeal may attach thereto-relevant supporting statements from other persons and other appropriate and reasonable documentary evidence. After review, the Executive Director or designated employee shall have the authority to continue the circumstances, which shall be equitable, when considering all the factors involved. Any changes shall be given to the local law enforcement agencies.

Any person who disagrees with the determination of the Executive Director or designated representative may request a review by the IHA's Board of Commissioners. The decision by the Board of Commissioners shall be final.

During the term of the trespass notice, the IHA shall have the authority, under special circumstances and pursuant to the written application of the person as described above to give written special permission for the person to be on the IHA property at a particular time and for a particular purpose. Said permission shall only apply for the specific purposes and for the specific times in the letter. Said special permission shall not constitute a waiver of the provisions of the original notice, except for the specific terms and conditions of the special permission letter in this paragraph. Said letter shall be in the possession of the person while he/she is on the IHA property, and shall be produced upon demand by an employee or law enforcement officer.

If the person fails to produce said letter, he/she shall be deemed to be in violation of the original trespass notice.

NOTICE OF CRIMINAL TRESPASS

NAME _____ DOB: _____ SSN: _____

ADDRESS: _____ SEX: _____ RACE: _____

In accordance with **Missouri Revised Statutes Section 569.140.1**, this letter is to advise you that **EFFECTIVE IMMEDIATELY** you are restricted from entering upon any property belonging to the Housing Authority of the City of Independence including:

Pleasant Heights (S. Pleasant St.)

Hocker Heights (N. Hocker; N. Dodgion; N. Leslie; N. Emery; Hocker Terrace)

Southview Manor (S. Hub Drive)

You are restricted from entering the Independence Housing Authority property at any time or for any reason without prior knowledge and consent of the Independence Housing Authority management. This restriction shall include all common areas such as offices, community buildings, shops, warehouses, playgrounds, parking lots, sidewalks, etc., as well as individual apartments, porches, and yards all being the property of the Independence Housing Authority.

Any person being served the notice who desires to contest the issuance of a criminal trespass warning should do so in writing addressed to the Executive Director, The Independence Housing Authority, 210 S. Pleasant St., Independence, MO 64050. Any person filing an appeal may attach thereto-relevant supporting statements from other persons and other appropriate and reasonable documentary evidence. After review, the Executive Director or designated employee shall have the authority to continue the circumstances, which shall be equitable, when considering all the factors involved. Any changes shall be given to the local law enforcement agencies.

If you trespass, the Independence Housing Authority will prosecute you to the full extent that the law allows.

THE INDEPENDENCE HOUSING AUTHORITY

Michael S. Bishop
Executive Director

Date Served: _____

Received By: _____

Served By: _____

Location: _____

Photo Taken: YES__ NO__

NOTES: _____

This Notice expires _____ (3 or 5) years from date of service.

I N D E P E N D E N C E H O U S I N G
A U T H O R I T Y

SPECIAL VISIT PERMISSION

DATE ISSUED: _____

This is to advise that _____, who has previously been issued a written notice of trespassing by the Independence Housing Authority, has permission to visit:

Name of Resident or Place to Visit: _____

Relationship: _____

Address: _____

Reason for Visit: _____

Date of Visit: Start: _____ End: _____

Time of Visit: From: _____ To: _____

Expires: _____

IMPORTANT

This Document gives _____ permission to be at the above location on the date and time indicated for the reason(s) stated. Travel to and from the indicated location must be by the most direct route. This does not give permission for the above named person to be on or in any other IHA owned apartment, building or grounds.

THIS DOCUMENT MUST BE IN THE POSSESSION OF THE ABOVE NAMED PERSON WHEN ON THE INDEPENDENCE HOUSING AUTHORITY PROPERTY!!

This Special Visit Permission expires on: _____

Expiration Date

IHA Representative